AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

8-4-80
Vol. 45 No. 151
Pages 51539-51754

federal register

Monday
August 4, 1980

Highlights

51539 **National Hispanic Heritage Week** Presidential proclamation

51556 **Grant Programs—Health** HHS/PHS sets forth requirements for Special Project Grants for Graduate Programs in Public Health; effective 8-4-80

51635 **Grant Programs—Construction Treatment Works** EPA issues management reforms in order to reduce time between grant awards and the initiation of construction

51638 **Grant Programs—Construction Treatment Works** EPA issues procedures for application of the Buy American Provision of the Clean Water Act

51615 **Public Housing** HUD/FHC proposes rule governing dwelling lease requirements in the Low-Income Public Housing Program; comments by 10-3-80

51561 **Social Programs** CSA amends policy on use of poverty income guidelines to provide automatic eligibility to individuals certified eligible for Supplemental Security Income or Aid to Families with Dependent Children; effective 9-3-80

CONTINUED INSIDE

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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The **Federal Register** will be furnished by mail to subscribers, free of postage, for $75.00 per year, or $45.00 for six months, payable in advance. The charge for individual copies is $1.00 for each issue, or $1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register.**

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

51580 Aliens Justice/INS proposes stricter requirements for aliens accompanying nonimmigrant entertainers; comments by 10–3–80

51625 Migrant Labor DOT/FHWA considers revision of current regulations to ensure safe transportation in interstate commerce; comments by 12–2–80

51541 Wage and Price Controls CWPS amends procedural rules for the Second Program Year; effective 8–4–80; comments by 9–9–80

51598 Accounting CFTC proposes ruling relating to monthly and confirmation statements; comments by 9–30–80

51600 Accounting CFTC proposes revising rules regarding operations and activities of commodity pool operators ("CPO") and commodity trading advisors ("CTA's"); comments by 9–30–80

51628 Motor Vehicle Safety DOT/NHTSA grants General Motors' petition for rulemaking on power-operated windows systems

51626 Motor Vehicle Safety DOT/NHTSA proposes to amend standard for seat belt assemblies; comments by 9–18–80

51569 Motor Vehicles DOT/NHTSA revises list of code numbers assigned to prime glazing material manufacturers; effective 8–4–80

51720 Bicycles DOT/FHWA requests comments by 11–3–80 on proposed design and construction criteria for bikeway construction projects (Part II of this issue)

51581 Improving Government Regulations FRS and the RRB publish semiannual agendas

51564 Communications FCC adopts rules governing stations operating in Amateur–Satellite Service; effective 11–3–80

51703–51705 Treasury Securities Treasury announces auction of Series L–1983 Notes, Series A–1990 Notes and Bonds of 2004–2009 (3 documents)

51709 Sunshine Act Meetings

Separate Parts of This Issue

51720 Part II, DOT/FHwA
51740 Part III, Interior/BLM
51744 Part IV, WRC

Contents

Federal Register
Vol. 45, No. 151
Monday, August 4, 1980

The President
PROCLAMATIONS
51539 Hispanic Heritage Week, National (Proc. 4776)

EXECUTIVE AGENCIES

Agricultural Marketing Service
RULES
Milk marketing orders:
51542 Eastern Colorado; suspension
PROPOSED RULES
Tobacco inspection:
51572 Burley, type 31; grade standards; experimental sales in untied form

Agriculture Department
See Agricultural Marketing Service; Commodity Credit Corporation; Federal Crop Insurance Corporation; Forest Service.

Army Department
See also Engineers Corps.
NOTICES
Committee; establishment, renewals, terminations, etc.:
51632 Shoreline Erosion Advisory Panel

Arts and Humanities, National Foundation
NOTICES
Meetings:
51676 Humanities Panel
51677 Music Advisory Panel (2 documents)

Civil Aeronautics Board
NOTICES
Hearings, etc.:
51629 Chicago-Rochester, Minnesota Subpart Q restriction removal proceeding

Civil Rights Commission
NOTICES
Meetings; State advisory committees:
51629 Indiana
51629 Nevada
51630 Vermont; cancellation
51630 West Virginia

Coast Guard
RULES
Drawbridge operations:
51550 Connecticut
PROPOSED RULES
Drawbridge operations:
51618 Oregon
51617 Wisconsin
NOTICES
51694 Equipment, construction, and material approval terminations; list
51680 Equipment, construction, and material approvals; list

Commerce Department
See also Foreign-Trade Zones Board; Maritime Administration; National Oceanic and Atmospheric Administration.
PROPOSED RULES
51592 Voluntary standards, Federal participation in development and use; procedures for listing and delisting voluntary standards bodies and for voluntary dispute resolution service; hearing and rebuttal period.

Commodity Credit Corporation
PROPOSED RULES
Loan and purchase programs:
51579 Tobacco

Commodity Futures Trading Commission
PROPOSED RULES
Commodity Exchange Act regulations:
51598 Futures commission merchants; monthly and confirmation statements to customers, requirements
51600 Commodity pool operators and trading advisors
NOTICES
51709 Meetings; Sunshine Act

Community Services Administration
RULES
Community action programs:
51561 Income poverty guidelines; program eligibility certification procedures

Consumer Product Safety Commission
NOTICES
51631 Sewage sludge products used as soil conditioners and fertilizers; declared banned hazardous products; petition denied

Defense Department
See Army Department; Engineers Corps.

Drug Enforcement Administration
NOTICES
Schedules of controlled substances; production quotas:
51676 Hydromorphone and lysergic acid methylpropylamide

Energy Department
PROPOSED RULES
51581 Coal leasing; bidding systems and procedures for utilization; regional hearings cancelled

Engineers Corps
RULES
Navigation regulations:
51555 Black Rock Lock, Buffalo, N.Y.
51551 Cape Code Canal, Mass.
NOTICES
Meetings:
51632 Environmental Advisory Board
51633 Hydroelectric power study, national

51632 Waterways study, national

Environmental Protection Agency
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
51620 Iowa
51619 Oregon; advance notice
NOTICES
Grants; State and local assistance:
51638 Treatment works construction; Buy American provision; interim program requirements memorandum
51635 Treatment works construction; management reforms to reduce time between step 3 grant awards and construction; program requirements memorandum
Meetings:
51644 Science Advisory Board
Pesticides; temporary tolerances:
51637 Elanco Products Co.
Toxic and hazardous substances control:
51646–51647 Premanufacture notices receipts (2 documents)
Waste management, solid:
51645 Hazardous waste; enforcement of standards applicable to shippers and transporters; memorandum of understanding with Transportation Department

Equal Employment Opportunity Commission
RULES
Age discrimination in employment:
51547 Executive and high policymaking employees in private sector and tenured employees at institutions of higher education; exemptions; interpretations; correction
NOTICES
51709 Meetings; Sunshine Act

Federal Aviation Administration
RULES
Air traffic operating and flight rules and air carriers certification and operations:
51547 Federal elections, carriage of candidates (SFAR 37); removal from CFR
Airworthiness directives:
51544 AiResearch
51546 Embraer; revocation
51543 Government Aircraft Factories
51545 Rajay Industries
51545 Short Brothers
51546 Transition areas
PROPOSED RULES
51591 Restricted areas
51587–51590 Transition areas (4 documents)
51539 VOR Federal airways
NOTICES
51699 Exemption petitions; summary and disposition

Federal Communications Commission
RULES
Radio broadcasting:
51563 News-wire teleprinter signals transmission on subcarrier of studio-transmitter-link station or intercity relay station
Radio services, special:
51564 Amateur-satellite service
Radio stations; table of assignments:
51562, 51563 Arizona (2 documents)
51561 Texas
PROPOSED RULES
Radio stations; table of assignments:
51624 Florida
NOTICES
51650 AM broadcast applications accepted for filing and notification of cut-off date
51707 Canadian standard broadcast stations; notification list
51651 FM broadcast applications accepted for filing and notification of cut-off date
Hearings, etc.:
51648 Grace Broadcasting Systems, Inc., et al.
51652 Muskingum Broadcasting Co. et al
51651 Tehachapi Broadcasting et al.
51653 Valley FM Radio et al.
51649 Rulemaking proceedings filed, granted, denied, etc.; petitions by various companies; General Electric Co.
51653 Television broadcast applications accepted for filing and notification of cut-off date
51653 Television broadcast applications accepted for filing and notification of cut-off date; correction

Federal Crop Insurance Corporation
PROPOSED RULES
Crop insurance; various commodities:
51573 Apples

Federal Emergency Management Agency
RULES
Flood elevation determinations:
51559 California et al.
NOTICES
Disaster and emergency areas:
51654 Wisconsin

Federal Highway Administration
PROPOSED RULES
Engineering and traffic operations:
51720 Bikeway construction projects; design and construction criteria
Motor carrier safety regulations:
51625 Migrant workers; transportation; advance notice

Federal Labor Relations Authority
RULES
51541 General Counsel; authority and responsibilities and case processing; Boston Regional Office, new address

Federal Maritime Commission
NOTICES
Energy and environmental statements; availability, etc.:
51654 Bahrain et al; inland transportation or use of transportation and port facilities, rates, brokerages, etc.
Financial reports; applications for permission to submit alternative data:
51655 Sea-Land Service, Inc.
51709 Meetings; Sunshine Act (2 documents)

Federal Mine Safety and Health Review Commission
NOTICES
51709 Meetings; Sunshine Act

Federal Reserve System
PROPOSED RULES
Improving Government regulations:
51581 Regulatory agenda
NOTICES
Applications, etc.:
51655 Citicorp el al.
51656 Laredo National Bancshares, Inc.
51656 Stearns Agency, Inc.

Federal Trade Commission
PROPOSED RULES
Prohibited trade practices:
51596 Benton & Bowles, Inc.
51593 Smithkline Corp.

Foreign-Trade Zones Board
NOTICES
Applications, etc.:
51630 Missouri

Forest Service
NOTICES
Meetings:
51629 National Forest System Advisory Committee

Health, Education, and Welfare Department
See Health and Human Services Department

Health and Human Services Department
See also Health Care Financing Administration; Health Resources Administration; Public Health Service.
NOTICES
Meetings:
51657 White House Conference on Families

Health Care Financing Administration
RULES
Medicaid:
51559 State fraud control units; technical amendments; correction

Health Resources Administration
NOTICES
Meetings; advisory committees:
51656 September

Housing and Urban Development Department
PROPOSED RULES
Low income housing:
51615 Lease and grievance procedures; lease termination provisions

Immigration and Naturalization Service
PROPOSED RULES
51580 Nonimmigrant classes; aliens accompanying nonimmigrant alien entertainers; petition requirements

Interior Department
See Land Management Bureau; National Park Service; Surface Mining Office.

Interstate Commerce Commission
NOTICES
51659 Long and short haul applications for relief
Motor carriers:
51658 Fuel costs recovery, expedited procedures
51659 Temporary authority applications
Railroad services abandonment:
51658 Chicago & North Western Transportation Co.
51658 Delaware & Hudson Railway Co.

Justice Department
See Drug Enforcement Administration; Immigration and Naturalization Service.

Land Management Bureau
RULES
Recreation management:
51740 Wild and scenic rivers; land and water surface management procedures

Maritime Administration
NOTICES
Trustees; applicants approved, disapproved, etc.:
51630 First National Bank of Commerce of New Orleans, La.

National Credit Union Administration
NOTICES
51709 Meetings; Sunshine Act

National Highway Traffic Safety Administration
RULES
Motor vehicle safety standards:
51569 Prime glazing material manufacturers; assignment of code numbers
PROPOSED RULES
Motor vehicle safety standards:
51628 Power-operated windows; rulemaking petition granted
51626 Seat belt assemblies; belt elongation requirements, exemption
NOTICES
Motor vehicle safety standards; exemption petitions, etc.:
51700 Model A & Model T Motor Car Reproduction Corp.; hydraulic brake systems, etc.
51701 White Motor Corp.; control location, identification, and illumination; correction

National Oceanic and Atmospheric Administration
NOTICES
Marine mammal permit applications, etc.:
51630 Tel-Aviv Dolphinarium

National Park Service
PROPOSED RULES
Special regulations:
51618 Yosemite National Park, Calif.; experimental fish management waters, discontinuation

National Transportation Safety Board
NOTICES
Aircraft accidents:
51677 Omaha, Nebr.; investigation hearing

Nuclear Regulatory Commission
NOTICES
Meetings:
51677, 51678 Reactor Safeguards Advisory Committee (2 documents)

Nuclear Safety Oversight Committee
NOTICES
51678 Meetings

Occupational Safety and Health Review Commission
NOTICES
51710 Meetings; Sunshine Act (3 documents)

Pension Policy, President's Commission
NOTICES
51679 Federal information dissemination; access procedures and list of released papers

Public Health Service
RULES
Grants:
51556 Graduate programs in public health

Railroad Retirement Board
PROPOSED RULES
Improving Government regulations:
51615 Regulatory agenda
NOTICES
51710 Meetings; Sunshine Act

Securities and Exchange Commission
NOTICES
51679 Consolidated tape plan; joint industry plan amendments; inquiry; additional proposed amendments by Consolidated Tape Association
Self-regulatory organizations; proposed rule changes:
51679 American Stock Exchange, Inc.

Surface Mining Office
RULES
Surface coal mining and reclamation enforcement operations:
51547 Permanent regulatory program; State programs review, effect of suspension of rules

Tennessee Valley Authority
PROPOSED RULES
51614 Freedom of Information Act; implementation; fees for search and duplication of records

Transportation Department
See also Coast Guard; Federal Aviation Administration; Federal Highway Administration; National Highway Traffic Safety Administration.
NOTICES
Hazardous materials transportation:
51702 Wastes and hazardous substances; enforcement of standards applicable to shippers and transporters; memorandum of understanding with EPA; cross reference

Treasury Department
NOTICES
Notes, Treasury:
51703–51705 L–1983 series (3 documents)

Veterans Administration
NOTICES
Environmental statements; availability, etc.:
51707 American Lake, Wash.; building renovation

Wage and Price Stability Council
RULES
Procedural rules:
51541 Self-administration of inability-to-compute and uncontrollable-cost exceptions; questions and answers; interim

Water Resources Council
NOTICES
51744 Great Plains Gasification Project, Mercer County, N. Dak.; water assessment report availability; inquiry

MEETINGS ANNOUNCED IN THIS ISSUE

AGRICULTURE DEPARTMENT
Forest Service—
51629 National Forest System Advisory Committee, 8–21 through 8–23–80

ARTS AND HUMANITIES, NATIONAL FOUNDATION
51676 Humanities Panel, August and September Meetings
51677 Music Panel (Jazz Section), 8–25 through 8–29–80
51677 Music Panel (New Music Performance Section), 9–2 through 9–5–80

CIVIL RIGHTS COMMISSION
51629 Indiana Advisory Committee, 8–25–80
51629 Nevada Advisory Committee, 8–29–80
51630 West Virginia Advisory Committee, 9–4–80

DEFENSE DEPARTMENT
Army Department—
51632 Environmental Advisory Board, 8–26 through 8–28–80
51633 National Hydroelectric Power Study, 8–27–80
51632 National Waterways Study, 9–4–80

ENVIRONMENTAL PROTECTION AGENCY
51644 Science Advisory Board, Clean Air Scientific Advisory Committee, 8–20 through 8–22–80

HEALTH AND HUMAN SERVICES DEPARTMENT
Health Resources Administration—
51656 Health Planning and Development National Council, Subcommittee on national guidelines, goals, priorities, and standards, 9–4–80
Office of the Secretary—
51657 White House Conference on Families, National Advisory Committee and National Task Force, 8–19 through 8–21–80

NUCLEAR REGULATORY COMMISSION
51678 Reactor Safeguards Advisory Committee, Subcommittee on Fluid Dynamics, 8–19 and 8–20–80

NUCLEAR SAFETY OVERSIGHT COMMITTEE
51678 Meetings, 8–18 and 8–19–80

CANCELLED MEETINGS

CIVIL RIGHTS COMMISSION
51630 Vermont Advisory Committee, 8–4–80

CHANGED MEETINGS

NUCLEAR REGULATORY COMMISSION
51677 Reactor Safeguards Advisory Committee, Safety Philosophy and Criteria Subcommittee, 8–6–80

HEARINGS

COMMERCE DEPARTMENT
Office of the Secretary—
51592 Federal Voluntary Standards Policy, 8–27–80

NATIONAL TRANSPORTATION SAFETY BOARD
51677 Aviation Accident Investigation, 9–16–80

CANCELLED HEARING

ENERGY DEPARTMENT
51581 Bidding Systems for Coal Leasing, 8–5 and 8–7–80

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR
Proclamations:
4776 51539

5 CFR
Ch. XIV 51541

6 CFR
706 51541

7 CFR
1137 51542
Proposed Rules:
29 51572
404 51573
1464 51579

8 CFR
Proposed Rules:
214 51580

10 CFR
Proposed Rules:
378 51581

12 CFR
Proposed Rules:
Ch. II 51581

14 CFR
39 (5 documents) 51543–51546
71 51546
91 51547
121 51547
127 51547
135 51547
Proposed Rules:
71 (5 documents) 51587–51590
73 51591

15 CFR
Proposed Rules:
19 51592

16 CFR
Proposed Rules:
13 (2 documents) 51593, 51596

17 CFR
Proposed Rules:
1 51598
4 51600

18 CFR
Proposed Rules:
301 51614

20 CFR
Proposed Rules:
Ch. II 51615

23 CFR
Proposed Rules:
625 51720
652 51720
663 51720

24 CFR
Proposed Rules:
866 51615

29 CFR
1625 51547

30 CFR
Ch. VII 51547

33 CFR
117 51550
207 (2 documents) 51551, 51555
Proposed Rules:
117 (2 documents) 51617, 51618

36 CFR
Proposed Rules:
7 51618

40 CFR
Proposed Rules:
52 (2 documents) 51619, 51620

42 CFR
58 51556
455 51559

43 CFR
8351 51740

44 CFR
67 51559

45 CFR
1060 51561

47 CFR
73 (3 documents) 51561–51563
74 51563
97 51564
Proposed Rules:
73 51624

49 CFR
571 51569
Proposed Rules:
398 51625
571 (2 documents) 51626, 51628

Federal Register
Vol. 45, No. 151
Monday, August 4, 1980

Presidential Documents

Title 3—

The President

Proclamation 4776 of July 31, 1980

National Hispanic Heritage Week

By the President of the United States of America

A Proclamation

Hispanic peoples have played a distinguished role in the history of our Nation. They founded settlements in Florida and Georgia half a century before the Pilgrims landed in Massachusetts, and were homesteading in New Mexico more than 150 years before the War of Independence. The names of scores of American cities and towns—such as Los Angeles, Albuquerque, San Antonio, and Saint Augustine—remind us that many of the explorers and settlers who opened our frontiers were of Hispanic origin.

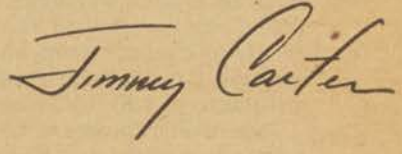
The Hispanic community has given us generals, admirals, philosophers, statesmen, musicians, athletes, and Nobel Prize-winning scientists. Hispanic Americans have contributed gallantly to the defense of our Nation, and many have received the highest decoration our country can bestow—the Congressional Medal of Honor.

Outstanding Hispanic men and women add daily to our Nation's accomplishments in science, technology, the arts, and politics. And Hispanic citizens contribute daily to the quality of our lives. Hispanics exhibit an eminent pride in our American heritage, a passionate love of family, a profound devotion to religion, and an energetic commitment to hard work.

As we enter the 1980s, it is fitting that we pause to recognize and celebrate our Hispanic heritage.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim the week beginning September 14, 1980, as National Hispanic Heritage Week. I call upon Federal, State, and local officials to observe this week with appropriate activities and to search out innovative ways for government to work in partnership with the Hispanic community. Hispanic immigrants were among the earliest and are now among the most recent to arrive in this haven of liberty and human rights, and I urge all Americans to reflect on the invaluable contribution they have made to the greatness, the diversity, and the strength of this Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of July, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fifth.



[FR Doc. 80-23616
Filed 8-1-80; 11:20 am]
Billing code 3195-01-M

Editorial Note: The President's remarks of July 31, 1980, on signing Proclamation 4776, are printed in the Weekly Compilation of Presidential Documents (vol. 16, no. 31).

Rules and Regulations

Federal Register
Vol. 45, No. 151
Monday, August 4, 1980

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

FEDERAL LABOR RELATIONS AUTHORITY

5 CFR Ch. XIV

Change in Current Boston Regional Address

AGENCY: Federal Labor Relations Authority (including the General Counsel of the Federal Labor Relations Authority) and Federal Service Impasses Panel.

ACTION: Amendment of rules and regulations.

SUMMARY: This rule amends Appendix A, paragraph (d)(1) (45 FR 3522) of the final rules and regulations of the Federal Labor Relations Authority (Authority), General Counsel of the Federal Labor Relations Authority (General Counsel), and Federal Service Impasses Panel (Panel), published at 45 FR 3482, to establish a new address for the Authority's Boston Regional Office.

EFFECTIVE DATE: July 9, 1980.

FOR FURTHER INFORMATION CONTACT: D. Randall Frye, Assistant General Counsel (202) 632–6284.

SUPPLEMENTARY INFORMATION: Effective January 17, 1980, the Authority, General Counsel and Panel published, at 45 FR 3482, final rules and regulations to govern the processing of cases by the Authority, General Counsel and Panel under Chapter 71 of Title 5 of the United States Code. These rules and regulations are required by Title VII of Civil Service Reform Act of 1978.

Appendix A, paragraph (d) of the rules and regulations (45 FR 3522) sets forth the current office addresses and telephone numbers of the Regional Directors of the Authority. The Authority's Boston Regional Office has changed its address presently noted in paragraph (d)(1) of Appendix A. Accordingly, Appendix A, paragraph (d)(1) of the Authority, General Counsel, and Panel rules and regulations (45 FR 3482) is amended, in part, to read as follows:

Appendix A to 5 CFR Chapter XIV—Current Addresses and Geographic Jurisdictions

* * * * *

(d) The Office addresses of Regional Directors of the Authority are as follows:

* * * * *

(1) *Boston Regional Office*—441 Stuart Street, 9th Floor, Boston, MA. 02116; telephone: FTS—223–0920, commercial (617) 223–0920.

* * * * *

(5 U.S.C. 7134)

Dated: July 30, 1980.

Ronald W. Haughton,
Chairman.

S. Jesse Reuben,
Deputy General Counsel.

[FR Doc. 80-23504 Filed 8-1-80; 8:45 am]
BILLING CODE 6325-19-M

COUNCIL ON WAGE AND PRICE STABILITY

6 CFR Part 706

Amendment of Procedural Rules for the Second Program Year; Questions and Answers

AGENCY: Council on Wage and Price Stability.

ACTION: Interim rule; Questions and Answers.

SUMMARY: The Council is amending § 706.31 of its procedural rules to allow self-administration of inability-to-compute and uncontrollable-cost exceptions by companies with net sales or revenues of less than $250 million that meet the applicable criteria. The Council is also issuing four Questions and Answers. Two of these concern the scope of amended Section 706.31; the other two concern compliance units that have sought uncontrollable-cost exceptions

DATES: The effective date is August 4, 1980; comments may be submitted by September 4, 1980.

ADDRESS: Written comments should be sent to Office of General Counsel, Council on Wage and Price Stability, 600 17th Street, N.W., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT:

Office of Price Monitoring

Energy, Chemicals, and Rubber—Larry Forest: (202) 456–7747.
Health, Insurance, Regulated Industries, and Services—Arthur Corazzini: (202) 456–7730.
Construction and Construction Materials—Joseph Lackey: (202) 456–7156.
Food, Agriculture, and Trade—Stephen Hiemstra: (202) 456–7740.
Metals, Machinery, and Equipment—Eugene Roberts: (202) 456–7784.
Exceptions—Walter Liebowitz/David Wagner: (202) 456–7733.

Office of General Counsel

Alfred M. Wurglitz: (202) 456–6286.
Glenn Bergenfield: (202) 456–6210.

SUPPLEMENTARY INFORMATION: The Council is amending Section 706.31 to permit self-administration of inability-to-compute and uncontrollable-cost exceptions by companies with net sales or revenues less than $250 million. This amendment is intended to reduce the burden of justifying uncontrollable-cost and inability-to-compute exceptions for these smaller companies. As indicated in Question and Answer III–C–14, such companies are asked to inform the Council in their next Form PM–1 filing of a decision to self-administer such an exception, to maintain documentation supporting their eligibility for the exception, and to report quarterly all profit data on Form PM–1.

Question and Answer III–C–15 makes clear that such companies may not self-administer an exception on the grounds of gross inequity or undue hardship.

The other two Questions and Answers recognize the desirability of price or gross-margin limitations, as opposed to the profit limitation, because they provide greater incentives to resist cost increases. Question and Answer III–B–24 makes clear that any company granted an uncontrollable-cost exception may return to the price limitation or any modified standard for which it is eligible. Question and Answer III–B–25 articulates the Council's policy that any compliance unit denied an uncontrollable-cost exception must comply with the price limitation or modified price standard

with which it originally elected to comply unless it can demonstrate that it could not comply with the price limitation because of uncontrollable costs, in which case it may use any modified standard for which it is eligible. This Question and Answer extends the rationale of Question and Answer III–B–17, which does not allow a company to switch from the price limitation to any modified price standard for which it is eligible, and vice versa, after its original selection.

(Council on Wage and Price Stability Act, as amended (12 U.S.C. 1904, note); E. O. 12092 (November 1, 1978); E. O. 12161 (September 28, 1979))

Issued in Washington, D.C., July 30, 1980.

R. Robert Russell,

Director, Council on Wage and Price Stability.

Accordingly, Part 706 of Title 6 CFR is amended as set forth below:

Section 706.31 is amended by revising subparagraph (a)(1) to read as follows:

§ 706.31 Who should request approval.

(a) Any compliance unit or employee unit that intends to apply one or more of the exceptions specified in Section 706.32 other than the tandem exception under Section 705B–9 should request a determination from the Council that the exception is warranted, if:

(1) the request relates to the price standard and the compliance unit had, or is part of a company that had, net sales or revenues of $100 million or more in its last complete fiscal year prior to October 2, 1979, except that a compliance unit that is a company or is part of a company that had net sales or revenues of less than $250 million in its last complete fiscal year prior to October 2, 1979, may self-administer an inability-to-compute or uncontrollable-cost exception if it meets the applicable criteria specified in Sections 705.6(a), 705.41, 707.35, 707.36, 707.37, and 707.38.

(2) the request relates to the pay standard, and (i) the affected employee unit consists of 100 or more employees in a compliance unit with (or that is part of a company with) 1,000 or more employees, or (ii) the affected collective-bargaining agreement covers 1,000 or more employees regardless of the number of employees in an individual company's employee units.

Questions and Answers

The Council is issuing the following Questions and Answers III–C–14 and III–C–15, to read as follows:

Q. 14. A compliance unit that is a company or is part of a company that had net sales or revenues of less than $250 million in the last complete fiscal year before October 2, 1979, may self-administer an uncontrollable-cost or an inability-to-compute exception under amended Section 706.31(a)(1). Should such a compliance unit notify the Council of such a self-administered exception and maintain supporting documentation?

A. Yes. Such a compliance unit should inform the Council of this action in its next PM–1 filing, maintain in its files adequate documentation of its eligibility for the exception, and report quarterly all profit data requested on Form PM–1.

Q. 15. In light of amended Section 706.31(a)(1), may a compliance unit that is a company or is part of a company that had net sales or revenues of $100 million or more but less than $250 million in the last complete fiscal year before October 2, 1979, self-administer an exception after March 14, 1980, on the grounds of gross inequity or undue hardship?

A. No. Such a compliance unit must obtain the Council's advance approval for such an undue-hardship or gross-inequity exception.

The Council is issuing the following Questions and Answers III–C–24 and III–C–25.

Q. 24. If a compliance unit is granted an uncontrollable-cost exception, may that compliance unit subsequently choose to measure its compliance with either the price limitation or a modified price standard for which it is eligible rather than the profit limitation?

A. Yes.

Q. 25. If a compliance unit is denied an uncontrollable-cost exception, should it comply with the standard—price limitation or modified price standard—with which it elected to comply at the start of the second program year?

A. Yes. However, if a unit that is eligible for a modified price standard is denied an uncontrollable-cost exception only because it failed to show that it cannot comply with the *modified* standard because of uncontrollable cost increases (i.e., it could qualify for the exception if it were not eligible for a modified standard and only had to demonstrate that it could not comply with the price limitation), it may comply with the modified standard notwithstanding its original election of the price limitation.

[FR Doc. 80–23377 Filed 8–1–80; 8:45 am]

BILLING CODE 3175–01–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1137

[Milk Order No. 137]

Milk in the Eastern Colorado Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This action suspends an order provision affecting the regulatory status of fluid milk distributing plants. The suspension makes inoperative for July and August 1980 the requirement that a distributing plant must dispose of at least 50 percent of its milk receipts as fluid milk products on routes before the plant is eligible to have all of its milk pooled and priced under the order. This action was requested by a regulated handler that operates two fluid milk distributing plants in the market. Such action recognizes the current marketing situation of the handler and is in the interest of producers and other handlers associated with the market as well.

EFFECTIVE DATE: August 4, 1980.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202–447–7183.

SUPPLEMENTARY INFORMATION: This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Eastern Colorado marketing area.

It is hereby found and determined that for the months of July and August 1980 and following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1137.7(a)(1) the words "an amount equal to 50 percent or more of the total receipts of".

Statement of Consideration

The suspension will make inoperative for July and August 1980 the provision that at least 50 percent of the receipts of milk at a pool distributing plant be disposed of as fluid milk products on routes. The suspension was requested by Meadow Gold Dairies, a proprietary handler who operates two distributing plants in the market. Such action was supported by all of the other handlers regulated by the order and all of the cooperative associations affiliated with the market. These cooperative associations represent more than 99

percent of the producers whose milk is pooled under the order.

Meadow Gold Dairies indicated that in June 1980 its Greeley, Colorado, distributing plant failed to meet the 50 percent route disposition pooling requirement because of the loss of Class I sales due to school closings and the loss of a sizeable wholesale account. The handler pointed out that the failure of its Greeley plant to meet the pooling requirement in June resulted in other regulated handlers who regularly purchase fluid milk products from such plant to incur additional financial obligations to the producer-settlement fund. According to the handler, these additional financial obligations to the pool totaled about $14,000 in June. The handler claimed that it was necessary for it to reimburse these handlers to avoid losing their business. The handler maintained that the loss of pool status for the Greeley plant in June created an undue financial hardship on its operation. To avoid a similar situation occurring in July and August, the handler asked for the suspension of the 50 percent pooling standard.

Meadow Gold Dairies stated that without the suspension it might be able to meet the 50 percent route disposition requirement by moving considerable quantities of fluid milk products between its two distributing plants associated with the market. The handler indicated, however, that this would involve excessive additional handling and energy costs and disrupt the production schedules of the two plants.

On the basis of available information, it is concluded that the 50 percent pooling standard should be suspended for two months to afford the handler time to make changes in its milk procurement and/or its Class I sales to remedy its pooling problem. Moreover, the suspension will permit the producers normally supplying the handler's plant to continue to share uniformly with other producers supplying the market in the proceeds from the Class I sales in the market. Thus, the suspension is necessary to promote orderly marketing.

It is impracticable and contrary to the public interest to give interested parties the opportunity to comment on a proposed suspension as would normally be the case. The time required to complete the necessary procedures would extend beyond the time when the suspension order would have to be issued for July, and any action for that month would be precluded if comments were to be solicited. Further, since all handlers regulated by the order and the eight cooperative associations serving the market that represent more than 99 percent of the producers involved indicated to the Department their support of the suspension for both months, no useful purpose would be served in soliciting comments on a suspension for August even though time might permit this procedural step.

It is further found and determined that 30 days' notice of the effective date hereof is impracticable, unnecessary and contrary to the public interest in that the suspension does not require of persons affected substantial or extensive preparation prior to the effective date

Therefore, good cause exists for making this order effective upon **Federal Register** publication.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of July and August 1980.

(Secs. 1–19, 48 Stat. 31, as amended. 7 U.S.C. 601–674)

Effective date: August 4, 1980.

Signed at Washington, D.C., on July 29, 1980.

Jerry Hill,

Deputy Assistant Secretary For Marketing Services.

[FR Doc. 80-23353 Filed 8-1-80; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration
14 CFR Part 39

[Docket No. 20572; Amdt. 39-3870]

Government Aircraft Factories Nomad Models N22B and N24A Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration, (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires initial and repetitive inspections, and replacement of any damaged parts found during those inspections, on Government Aircraft Factories of Australia Models N22B and N24A airplanes. This AD is necessary to detect and prevent failure of the universal joint in the rudder control torque shafts. This failure could result in sudden large increases in backlash in the rudder control system, and could cause loss of airplane control.

DATES: Effective August 18, 1980. Compliance schedule as prescribed in the body of the AD.

ADDRESSES: The manufacturer's applicable Alert Service Bulletin ANMD 27–17 dated April 3, 1980, may be obtained from Government Aircraft Factories, 226 Lorimer Street, Port Melbourne, 3207 Vic., Australia. The document may also be examined at the Federal Aviation Administration, Pacific-Asia Region, Engineering and Manufacturing District Office, 300 Ala Moana Blvd., Room 7321, Honolulu, Hawaii 96850, or Rules Docket, Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Gary K. Nakagawa, Chief, Engineering and Manufacturing District Office, APC–210, Federal Aviation Administration, Pacific-Asia Region, P.O. Box 50109, Honolulu, Hawaii 96850, Telephone: (808) 546–8650/546–8658, or C. Chapman, Chief, Policy Standards Section, AWS–111, FAA, 800 Independence Avenue, S.W., Washington, D.C. 20591, Telephone (202) 426–8374.

SUPPLEMENTARY INFORMATION: Government Aircraft Factories (GAF) Nomad Models N22B and N24A airplanes are manufactured in Australia. A number of mandatory corrective actions applicable to these aircraft have been imposed by the Australian Department of Transport (DOT). This service problem is related to the inspection and correction of any observed defects found in the left and right rudder control torque shaft universal joints. Failure could result in a sudden large increase in backlash in the rudder control system and cause loss of airplane control.

Since this condition is likely to exist or develop in other aircraft of the same type design, an AD is being issued which requires an inspection, and replacement as necessary, of the rudder control torque shaft universal joints on the Government Aircraft Factories of Australia Nomad Models N22B and N24A airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Government Aircraft Factories (GAF). Applies to Models N22B (Serial Nos. N22B–5 and up) and N24A (Serial Nos. N24A–42 and up), certificated in all categories.

Compliance required within the next 25 hours time in service after the effective date of this AD unless already accomplished within the last 75 hours time in service, and thereafter at intervals not to exceed 100 hours time in service from the last inspection.

To prevent possible failure of the universal joint in the rudder control torque shafts, accomplish the following:

(a) Inspect the left and right rudder control torque shaft universal joint, P/N MS20271B16, for defects, in accordance with paragraph 5 of the Government Factories Alert Service Bulletin ANMD 27–17 dated April 3, 1980, or an FAA-approved equivalent.

(b) Replace any defective universal joints, P/N MS20271B16, with a new part of the same P/N in accordance with the Service Bulletin, before further flight, except as provided in paragraph (c) of this AD.

(c) Aircraft may be flown in accordance with FAR 21.197 and FAR 21.199 to a location where this replacement can be accomplished.

(d) For the purpose of this AD, an FAA-approved equivalent may be approved by the Chief, Engineering and Manufacturing District Office, FAA, Pacific-Asia Region, Honolulu, Hawaii.

Note.—All persons affected by this directive who have not already received the applicable Service Bulletin from the manufacturer may obtain copies upon request to the Government Aircraft Factories, 226 Lorimer Street, Port Melbourne, 3207 Victoria, Australia. These documents may also be examined at the FAA, Engineering and Manufacturing District Office, 300 Ala Moana Blvd., Room 7321, Honolulu, Hawaii 96850; or Rules Docket, Room 916, FAA, 800 Independence Avenue, S.W., Washington, D.C. 20591.

This amendment becomes effective August 18, 1980.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this document involves a regulation which is not considered to be significant under the provisions of Executive Order 12044, as implemented by the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Washington, D.C., on July 25, 1980.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 80–23178 Filed 8–1–80; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 80–WE–33–AD; Amdt. 39–3862]

AiResearch TFE–731 –2, –3, –3R Engines; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires removal and replacement of tie rods in AiResearch TFE–731 –2, –3, and –3R engines. The AD is needed to prevent tie rod separation which could result in massive engine failure and possible hazard to the aircraft.

DATES: Effective August 7, 1980. Compliance schedule—As prescribed in the body of the AD.

ADDRESSES: The applicable service information may be obtained from: AiResearch Manufacturing Company of Arizona, P.O. Box 5217, Phoenix, AZ 85010, Telephone: (602) 267–3011.

Also, a copy of the service information may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue, S.W., Washington, D.C. 20591, or

Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT: Jerry Presba, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536–6351.

SUPPLEMENTARY INFORMATION: There have been reports of cracks in tie rods P/N 3070065–1 in AiResearch TFE–731 –2, –3, and –3R engines which could result in tie rod separation and result in massive engine failure. The suspect tie rods have been traced to a specific batch. Since this condition is likely to exist or develop on other engines of the same type design, an airworthiness directive is being issued which requires removal and replacement of certain tie rods on AiResearch TFE–731 –2, –3 and –3R engines.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new airworthiness directive:

AiResearch Manufacturing Company of Arizona: Applies to AiResearch TFE–731 –2, –3, –3R engines manufactured prior to May 1980.

Compliance required as indicated, unless already accomplished.

To prevent separation of tie rod and potential massive engine failure, accomplish the following:

(a) Within 150 operating hours after the effective date of this AD, unless previously accomplished, compliance is required with Paragraph (c) for the following TFE–731 engines:

Model	Serial numbers
TFE–731–2–1C	73142, 73159, 73215, 73240, 73293, 73345, 73348 through 73361
TFE–731–2–2B	74145, 74153, 74159, 74161, 74175, 74201, 74218, 74271, 74284, 74328, 74329, 74331, 74332 through 74336, 74339, 74341, 74342, 74344, 74348 through 74351, 74355, 74356, 74358 through 74362, 74375, 74431, 74448, 74821
TFE–731–3–1E	75138, 75143, 75177, 75179, 75183 through 75186, 75190, 75191, 75192, 75214
TFE–731–3–1C	76108
TFE–731–3–1G	77166, 77167, 77174, 77176, 77177
TFE–731–3–1F/–1K	78115, 78130, 78131, 78132, 78134, 78137, 78138, 78139, 78145, 78146
TFE–731–3–1H	80107, 80118, 80121, 80176
TFE–731–2–2J	81101, 81102, 81104

(b) For all TFE–731 –2, –3, –3R engines manufactured prior to May 1980, and not listed in Paragraph (a), compliance with Paragraph (c) is required at, or prior to, the next major periodic inspection (as defined in AiResearch Service Bulletin TFE–731–72–3105 or 3106), unless previously accomplished.

(c) Determine the serial number identification of the tie rod, P/N 3070065–1, installed in engines covered under Paragraphs (a) or (b). This determination can be made by reference to engine build records or by disassembly of the engine sufficient to gain access to the aft end of the tie rod. All tie rods of the following listed serial numbers must be removed from service and replaced with like serviceable parts:

6P11723	6P11747	6P11771	6P11795	6P21154
6P11724	6P11748	6P11772	6P11796	6P21155
6P11725	6P11749	6P11773	6P11797	6P21156
6P11726	6P11750	6P11774	6P11798	6P21157
6P11727	6P11751	6P11775	6P11799	6P21158
6P11728	6P11752	6P11776	6P11800	6P21159
6P11729	6P11753	6P11777	6P11801	6P21160
6P11730	6P11754	6P11778	6P11802	6P21162
6P11731	6P11755	6P11779	6P11803	6P21163
6P11732	6P11756	6P11780	6P11804	6P21164
6P11733	6P11757	6P11781	6P11805	6P21165
6P11734	6P11758	6P11782	6P11806	6P21166
6P11735	6P11759	6P11783	6P11807	6P21167
6P11736	6P11760	6P11784	6P11808	6P21168
6P11737	6P11761	6P11785	6P11809	6P21169
6P11738	6P11762	6P11786	6P11810	6P21170
6P11739	6P11763	6P11787	6P11811	6P21171
6P11740	6P11764	6P11788	6P11812	6P21172
6P11741	6P11765	6P11789	6P11813	6P21173
6P11742	6P11766	6P11790	6P11814	6P21174
6P11743	6P11767	6P11791	6P11815	6P21175
6P11744	6P11768	6P11792	6P11816	7P11849
6P11745	6P11769	6P11793	6P11817	7P11850
6P11746	6P11770	6P11794	6P11818	

(d) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections required by this AD.

(e) Alternative inspections, modifications or other actions which provide an equivalent level of safety may be used when approved

by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective August 7, 1980.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this document involves a final regulation which is not considered to be significant under Executive Order 12044 as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Los Angeles, California on July 21, 1980.

John D. Mattson,

Director, FAA Western Region.

[FR Doc. 80-23175 Filed 8-1-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-WE-27-AD; Amdt. 39-3865]

Rajay Industries (Air-Ox, Dye-Ox) Sky-Ox Model 2600, 2800, and 2900 Series Oxygen Regulators; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires verification of the oxygen flow rate and rework if necessary of the flow rate setting on Rajay Industries Model Sky-Ox 2600, 2800 and 2900 series oxygen regulators. The AD is needed to prevent physical impairment from inadequate oxygen supply which could result in loss of control of the airplane.

DATES: Effective August 11, 1980. Compliance schedule—Initial compliance required within thirty (30) days after the effective date of this AD.

ADDRESSES: The applicable service information may be obtained from: Sky-Ox Sales, Rajay Industries, Inc., 2600 E. Wardlow Road, P.O. Box 207, Long Beach, California 90801, Telephone: (213) 426-0346.

Also, a copy of the service information may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue, S.W., Washington, D.C. 20591, or

Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT: Jerry Presba, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009, Telephone: (213) 536-6351.

SUPPLEMENTARY INFORMATION: There have been reports of inadequate oxygen flow rates encountered during bench testing of Rajay Industries Inc., Sky-Ox Model 2600, 2800 and 2900 series oxygen regulators which could prevent the person using the system at altitude from receiving an adequate supply of oxygen. Since this condition is likely to exist or develop on other appliances of the same type design, an airworthiness directive is being issued which requires verification of the oxygen flow rate and rework, if necessary, of the flow rate settings on Rajay Industries Sky-Ox Model 2600, 2800 and 2900 oxygen regulators.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new airworthiness directive:

Rajay Industries, Inc.: (Air-Ox, Dye-Ox) Applies to Sky-Ox Model 2600 (except those identified by Part Number 500014-01 or -02), 2800 (except those identified by Part Number 500016-01) and 2900 (except those identified by Part Number 500015-01) series oxygen regulators. Compliance is required as indicated, unless already accomplished. To prevent physical impairment from inadequate oxygen supply, accomplish the following:

Note 1.—Sky-Ox Model 2800 and 2900 series regulators may be installed by Supplemental Type Certificate (STC) on Beech Model 33, 35, 55 and 95 series airplanes; Cessna Model 180 and 182 series airplanes; and Piper Model PA30, PA39, PA32, and PA34 series airplanes.

Note 2.—Sky-Ox Model 2800 and 2900 series regulators may be installed on various general aviation airplanes through field approval, (FAA Form 337).

Note 3.—Sky-Ox Model 2600 series oxygen regulators are used in portable (carry-on) oxygen systems.

(a) Within thirty (30) days after the effective date of this AD placard all Model 2900 series oxygen regulators: "OXYGEN SYSTEM LIMIT 20,000 FEET". When the Model 2900 oxygen regulator is reset per Rajay Sky-Ox Service Manual 500231, Rev. A, or Rev. B, the placard may be removed. Identify regulators reset per manufacturer's instructions by marking "A" below the serial number.

(b) Within sixty (60) days after the effective date of this AD, reset Model 2600 and 2800 series oxygen regulators per Rajay Sky-Ox Service Manual 500231, Rev. A, or Rev. B. Identify reset regulators as per paragraph (a).

(c) Alternative inspections, modifications or other actions which provide an equivalent level of safety may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective August 11, 1980.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this document involves a final regulation which is not considered to be significant under Executive Order 12044 as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Los Angeles, California on July 23, 1980.

John D. Mattson,

Director, FAA Western Region.

[FR Doc. 80-23176 Filed 8-1-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 20571; Amdt. 39-3869]

Short Brothers, Ltd., Model SD3-30 Series Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) applicable to Short Brothers Limited Model SD3-30 series airplanes by correcting the serial numbers of airplanes to which the AD is applicable.

DATES: Effective August 18, 1980. Compliance schedule as prescribed in the body of the AD.

ADDRESSES: The applicable service bulletin may be obtained from: Short Brothers, Limited, P.O. Box 241, Airport Road, Belfast BT3 9DZ, Northern Ireland.

A copy of the service bulletin is contained in the rules docket for this amendment in Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: A. Astorga, Acting Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Telephone:

513.38.30, or C. Chapman, Chief, Policy Standards Section, AWS-111, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591.

SUPPLEMENTARY INFORMATION: This amendment further amends Amendment 39-3114 (43 FR 949), AD 78-01-09 as amended by Amendment 39-3167 (43 FR 13372) which currently requires manual draining of the pneumatic de-icing system plumbing on certain serial numbered Short Brothers Limited Model SD3-30 series airplanes, before each flight, in which the airplane may be subject to known icing conditions unless the airplane has Short Brothers Limited modification 5332 installed. After issuing Amendment 39-3167, the FAA has determined that manual draining of the pneumatic de-icing system plumbing is applicable to an additional serial number airplane (if not modified in accordance with the AD) but is not applicable to two listed serial number airplanes. The applicable Service Bulletins have been reissued to correct the effectivity. Therefore, the FAA is further amending Amendment 39-3114, as amended by Amendment 39-3167, on Short Brothers Limited Model SD 3-30 series airplanes, to reflect the correct serial numbers and Service Bulletins.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by further amending Amendment 39-3114 (43 FR 949), AD 78-01-09 as amended by Amendment 39-3167 (43 FR 13372) as follows:

(1) By revising the applicability statement to read: "Applies to Model SD3-30 airplanes, Serial Numbers SH 3002, SH 3004 through SH 3007, inclusive, and SH 3009 through SH 3011, inclusive, certificated in all categories."

(2) By amending paragraph (a) by deleting the reference "Alert Service Bulletin SD 3-30-AO4, dated October 4, 1977," and inserting in place thereof the reference, "Alert Service Bulletin SD 3-30-AO4, Revision 1, dated February 15, 1979."

(3) By amending paragraph (b) by deleting the phrase "Revision 1, dated November 4, 1977," and inserting in place thereof the phrase, Revision 2, dated February 15, 1979."

This amendment becomes effective August 18, 1980.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this document involves a regulation which is not considered to be significant under Executive Order 12044 as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Washington, D.C., on July 25, 1980.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 80-23177 Filed 8-1-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-SO-40; Amdt. No. 39-3866]

Airworthiness Directives; Embraer Model EMB-110P1

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Revocation of final rule.

SUMMARY: After issuing Amendment 39-3419 (44 FR 11527), AD 79-05-03, which requires inspection of the rudder tab actuator attaching hardware Embraer Model EMB-110P1 airplanes at intervals not to exceed 200 flying hours, the FAA has determined that the condition no longer exists and the AD is being revoked.

EFFECTIVE DATE: August 11, 1980.

FOR FURTHER INFORMATION CONTACT: Jack Bentley, Aerospace Engineer, Engineering and Manufacturing Branch, FAA, Southern Region, P.O. Box 20636, Atlanta, Georgia 30320, telephone (404) 763-7407.

SUPPLEMENTARY INFORMATION: The FAA has determined that the condition which required the issuance of AD 79-05-03, which requires inspection of the rudder tab actuator attaching hardware on Embraer Model EMB-110P1 airplanes at intervals not to exceed 200 hours, no longer exists because of corrective action taken by the manufacturer; therefore, AD 79-05-03 is being revoked.

Since this amendment relieves a restriction, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-3419 (44 FR 11527), AD 79-05-03, is revoked.

This amendment becomes effective August 11, 1980.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; Feb. 26, 1979).

Issued in East Point, Georgia, on July 25, 1980.

George R. LaCaille,

Acting Director, Southern Region.

FR Doc. 80-23357 Filed 8-1-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-ASW-27]

Alteration of Transition Area; Borger, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of the action being taken is to alter the transition area at Borger, Tex. The intended effect of the action is to provide controlled airspace for aircraft executing a new instrument approach procedure to the Hutchinson County Airport. The circumstance which created the need for the action is the proposed VOR/DME Runway 35 approach to the Hutchinson County Airport.

EFFECTIVE DATE: October 30, 1980.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

On June 16, 1980, a notice of proposed rule making was published in the **Federal Register** (45 FR 40616) stating that the Federal Aviation Administration proposed to alter the Borger, Tex., transition area. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

The Rule

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) alters the Borger, Tex.,

transition area. This action provides controlled airspace from 700 feet above the ground for the protection of aircraft executing a new instrument approach procedure to the Hutchinson County Airport.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 445) is amended, effective 0901 G.m.t., October 30, 1980, as follows.

In Subpart G, § 71.181 (45 FR 445), the following transition area is altered to read:

Borger, Tex.

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of the Hutchinson County Airport (latitude 35°41'55"N., longitude 101°23'40"W.) and within 3 miles each side of the 185° radial of the Borger VORTAC (latitude 35°48'25"N., longitude 101°22'54"W.), extending from the 7.5-mile radius area to 21 miles south of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Fort Worth, Tex., on July 24, 1980.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 80-23179 Filed 8-1-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Parts 91, 121, 127 and 135

Deletion of SFAR's

Editorial Note.—The Office of the Federal Register has received a letter from the Federal Aviation Administration, Department of Transportation, that states in part:

***SFAR 37 which is in Parts 91, 121, 127, and 135 of the FAR, and which terminated on June 30, 1980, should be removed from the CFR.

PARTS 91, 121, 127, and 135 [AMENDED]

Therefore, SFAR 37, codified in parts 91, 121, 127, and 135 of Title 14, of the Code of Federal Regulations is deleted.

BILLING CODE 1505-02-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1625

Age Discrimination in Employment; Correction of Final Interpretations

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final interpretations; correction.

SUMMARY: On November 21, 1979, the EEOC published at 44 FR 66791 its final interpretations on two exemptions from the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 621 *et seq.* These exemptions were for employees serving under a contract of unlimited tenure (§ 1625.11) and for bona fide executive or high policymaking employees (§ 1625.12). This notice will correct an error contained in the final interpretation on the exemption for employees serving under a contract of unlimited tenure.

EFFECTIVE DATE: August 4, 1980.

FOR FURTHER INFORMATION CONTACT: John Pagano, Office of the General Counsel, Legal Counsel Division, EEOC, 2401 E Street, N.W., Room 2254, Washington, D.C. 20506, telephone (202) 634-6595.

SUPPLEMENTARY INFORMATION: Section 12(d) of the ADEA contains an exemption for employees serving under a contract of unlimited tenure at an institution of higher eduction, as that term is defined in section 1201(a) of the Higher Education Act of 1965. In publishing its final interpretation on this exemption, the Commission incorrectly stated in § 1625.11(c) that section 1201(a) of the Higher Education Act of 1965 was amended by 20 U.S.C. 403(b). The interpretation should have read that section 1201(a) of the Higher Education Act of 1965, as amended, is set forth at 20 U.S.C. 1141(a). Therefore, the Commission is correcting § 1625.11(c) to include the appropriate definition of "institution of higher education." The effect of this correction will be to give the exemption a narrower scope because section 1141(a), unlike section 403(b), does not include any proprietary institutions within its definition.

Signed this 29th day of July 1980.

For the Commission.

Eleanor Holmes Norton,

Chair.

Section 1625.11(c). Section 1201(a) of the Higher Education Act of 1965, as amended, and set forth in 20 U.S.C. 1141(a), provides in pertinent part:

The term "institution of higher education" means an educational institution in any State which (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (2) is legally authorized within such State to provide a program of education beyond secondary education, (3) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree, (4) is a public or other nonprofit institution, and (5) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, (A) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (B) is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited.

The definition encompasses almost all public and private universities and two and four year colleges. The omitted portion of the text of section 1201(a) refers largely to one-year technical schools which generally do not grant tenure to employees but which, it they do, are also eligible to claim the exemption.

[FR Doc. 80-23432 Filed 8-1-80; 8:45 am]

BILLING CODE 6570-06-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Ch. VII

Surface Mining and Reclamation Operations; Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior.

ACTION: Notice of suspension and statement of policy regarding effect on State programs.

SUMMARY: Notice is given that certain rules in 30 CFR Chapter VII, are

suspended pending the outcome of rulemaking to consider modification of those rules. The effect of the suspensions on the process for review of State permanent regulatory programs is also announced. Affected rules are all rules suspended or remanded by the decision of the United States District Court for the District of Columbia (Civil Action No. 79–1144). Memorandum Opinions, February 26, 1980 and May 16, 1980.

EFFECTIVE DATE: August 4, 1980.

ADDRESSES: Copies of the Court opinions mentioned below may be obtained from the Administrative Record, Office of Surface Mining, Room 153, 1951 Constitution Avenue, N.W., Washington D.C. 20240.

FOR FURTHER INFORMATION CONTACT: David R. Maneval, Assistant Director, Technical Services and Research, Office of Surface Mining, U.S. Department of the Interior, Washington, D.C. 20240; (202) 343–4264.

SUPPLEMENTARY INFORMATION: On March 13, 1979, OSM published regulations (44 FR 14901 *et seq.*) implementing the permanent regulatory program of Title V of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), Pub. L. 95–87, 30 U.S.C. 1251–1279. The rules were challenged in lawsuits brought by representatives of the coal industry, two States, and environmental groups. These lawsuits were consolidated and heard by the U.S. District Court for the District of Columbia, *In re: Permanent Surface Mining Regulation Litigation,* Civil Action No. 79–1144, Consolidated, filed May 10, 1979. After a review of the challenges brought, OSM recognized the need to propose changes to certain sections of those regulations. Notices were published in the **Federal Register** suspending the effectiveness of certain regulations challenged in this litigation. 44 FR 67942 (November 27, 1979), 44 FR 77447 and 77454 (December 31, 1979), and 45 FR 6913 (January 30, 1980).

The present notice suspends other regulations at issue in the litigation which were remanded by the District Court in its opinions of February 26, 1980 and May 16, 1980. At the discretion of the Secretary, the Department may appeal the Court's decisions. This suspension notice is thus no reflection on the Secretary's intent to appeal any of these regulations. OSM intends to propose appropriate revisions to the rules in the **Federal Register** in the near future.

Statement of Policy Regarding State Programs

OSM is concerned that the review and approval of State regulatory programs proceed expeditiously without imposing an undue burden on the States and associated parties that may be affected by those areas where rules are being suspended and new regulations will be proposed. In its May 16, 1980, opinion, the District Court ordered the Secretary to affirmatively disapprove any provision in a State program under consideration which incorporates a suspended or remanded Federal regulation. Although the Secretary intends to appeal that portion of the court's opinion, he intends to comply with it pending its modification by appeal or by his stay motion filed June 16, 1980. States are not required to take any action to implement the court's order. The Secretary will disapprove in each State program submission the provisions which incorporate suspended or remanded Federal regulations. At least ten days prior to the close of the public comment period on a State submission, the Regional Director shall make publicly available a list of all provisions of the State program which OSM intends to recommend the Secretary disapprove. In the alternative, comment periods on the State submission will be extended or reopened to allow a minimum of ten days for public review of the list of provisions which may be disapproved. Notice of the availability of this list shall appear in the **Federal Register.** Disapproval of specific provisions will not jeopardize the approval, or approval with conditions, of the entire State program if the program otherwise adequately satisfies the minimum criteria for approval. Upon promulgation of new regulations to replace those which have been suspended, the Secretary will afford States which do not have approved programs a reasonable opportunity to amend their programs as appropriate. In general, the provisions of 30 CFR 732.17 will govern this process for States with approved programs.

Justification for Immediate Effective Date of Suspension

Pending the outcome of the upcoming rulemaking actions, certain rules must be suspended immediately to implement the order of the District Court. In addition, maintaining regulations in effect which the Secretary has determined should be proposed for amendment would be unfair to the States which have submitted State regulatory programs for review.

Dated: July 29, 1980

David A. Schuenke,

Acting Assistant Secretary, Energy and Minerals.

In consideration of the foregoing, the following regulations are suspended:

§§ 732.15 and 840.13 [Certain provisions suspended]

1. *30 CFR 732.15(b)(7) and 840.13(a).* These regulations are suspended insofar as they require State programs to establish a point system for assessing civil penalties or to impose civil penalties as stringent as those appearing in 30 CFR 845.15. Section 518(i) of the Act requires only the incorporation of penalties and procedures explicated in section 518. The system proposed by the State must incorporate the four criteria of section 518(a).

(30 U.S.C. 1268)

§ 761.5 [Certain provisions suspended]

2. *30 CFR 761.5(a)(2)(i).* The regulation is suspended insofar as it requires that all permits must have been obtained prior to August 3, 1977 in order to establish a valid existing right to surface mine. Pending further rulemaking, the Secretary will interpret this regulation as requiring a good faith effort to obtain all permits.

(30 U.S.C. 1272(c))

§ 776.11 [Certain provisions suspended]

3. *30 CFR 776.11(b)(3) and (5).* Section 776.11(b)(3) is suspended insofar as it requires a map of the exploration area. A description of the area is still required. Section 776.11(b)(5), requiring an operator to explain the basis upon which he claims the right to enter the exploration area when the surface is owned by a person other than the operator, is suspended.

(30 U.S.C. 1262(a))

§ 779.20, 783.20, 780.16 and 784.21 [Certain provisions suspended]

4. *30 CFR 779.20/783.20 and 780.16/784.21.* The regulations requiring the permit application to contain a study of fish and wildlife and a fish and wildlife reclamation plan are suspended.

(30 U.S.C. 1257(b) and 1258(a))

§§ 779.21 and 783.21 [Certain provisions suspended]

5. *30 CFR 779.21 and 783.21.* The regulations are suspended to the extent they require soil survey information for lands not qualifying as prime farmland. Section 507(b)(16) of the Act requires a permit applicant to conduct a reconnaissance of the permit area. The Permit application must contain a soil survey only for those lands which the inspection indicates are or may be prime farmlands.

(30 U.S.C. 1257(b)(16))

§ 783.25 [Certain provisions suspended]

6. *30 CFR 783.25 (c), (h), and (i).* Section 783.25 requires cross sections, maps and plans as part of the information submitted in an underground permit application. Subsections (c), (h), and (i), which concern coal seam and overburden description; location of existing and previously mined areas; and location of waste disposal and impoundments, are suspended.

(30 U.S.C. 1257(b))

§ 785.17 [Certain provisions suspended]

7. *30 CFR 785.17(b)(8).* The regulation is suspended insofar as it requires demonstration in the permit application of current estimated yields under a high level of management. The permit application must still demonstrate that the applicant has the technological capability to restore the prime farmland to equivalent or higher levels of yield as nonmined prime farmland in the surrounding area under equivalent levels of management.

(30 U.S.C. 1260(b))

§ 785.19 [Certain provisions suspended]

8. *30 CFR 785.19(d)(2) (iii) and (iv).* The regulation is suspended to the extent it requires water quality analyses describing seasonal variations over at least one full year. States may permit submission of an analysis from data collected over a shorter period of time or extrapolation from existing data if such shorter period or extrapolation process is sufficient to enable the regulatory authority to make a determination of the impact of the proposed operation on the hydrologic balance of the area, as required by § 785.19(e).

(30 U.S.C. 1260(b) and 1265(b))

§ 785.19 [Remanded]

9. *30 CFR 785.19(e)(1)(ii).* In order to approve a permit application for surface coal mining on lands located west of the one hundredth meridian west longitude, the regulation requires the regulatory authority to find that a proposed operation will not materially damage the quantity and quality of water in surface and underground water systems that supply alluvial valley floors. The regulation was remanded by the court to allow the Secretary to add exclusions for undeveloped rangelands and negligible farmland interruption. Pending further rulemaking, the Secretary will interpret this regulation in accordance with the court decision.

(30 U.S.C. 1260(b)(5))

§ 785.19 [Certain provisions suspended]

10. *30 CFR 785.19(e)(2).* The small acreage exemption test for mining on alluvial-valley floors is suspended. The regulation was remanded to allow the Secretary to revise it to allow mining on an alluvial valley floor that results in a negligible impact on a farm's production.

(30 U.S.C. 1260(b)(5))

§ 807.11 [Remanded]

11. *30 CFR 807.11(e).* The regulation was remanded to allow revision to permit citizen access to the minesite during performance bond release proceedings, as required by section 519 of the Act. Pending further rulemaking, the Secretary will interpret the regulation in accordance with the court decision.

(30 U.S.C. 1263(b) and 1269(g))

§ 808.14 [Certain provisions suspended]

12. *30 CFR 808.14(b).* The regulation is suspended insofar as it allows the regulatory authority to retain forfeited bond money in excess of the amount necessary to implement and complete a reclamation plan.

(30 U.S.C. 1259(a))

§§ 816.42 and 817.42 [Certain provisions suspended]

13. *30 CFR 816.42(a) (1) & (7) and 817.42(a) (1) and (7).* The regulations are suspended to the extent they require runoff from reclaimed areas to meet the same effluent limitations as those for actively mined lands. However, as provided in §§ 816.46(u) and 817.46(u), sedimentation ponds shall not be removed until the drainage entering the pond from both reclaimed lands and actively mined areas has met the applicable State and Federal water quality requirements for the receiving stream.

(30 U.S.C. 1265(b)(10))

§§ 816.65 and 817.65 [Certain provisions suspended]

14. *30 CFR 816.65(f) and 817.65(f).* The regulations are suspended insofar as they restrict blasting at distances greater than 300 feet from a dwelling or other structure, or from flammable facilitites and water lines.

(30 U.S.C. 1272(e)(5))

§§ 816.95 and 817.95 [Certain provisions suspended]

15. *30 CFR 816.95 and 817.95.* The air resources protection regulations are suspended.

(30 U.S.C. 1265(b)(4))

§§ 816.115 and 817.115 [Certain provisions suspended]

16. *30 CFR 816.115 and 817.115.* Sections 816.115 and 817.115 are suspended to the extent they require that land must be used for livestock grazing when the approved postmining land use is range or pasture.

(30 U.S.C. 1260(d) and 1265(b))

§§ 816.116 and 817.116 [Certain provisions suspended]

17. *30 CFR 816.116(b) and 817.116(b).* The regulations are suspended insofar as they extend the period of responsibility for revegetation from the point at which the operator meets the vegetative standards of section 515(b)(19). States may permit the period of liability to begin from the point at which the operator has completed seeding and fertilizing. The period of liability shall begin again whenever augmented seeding, fertilizing, irrigation or other work is required or conducted on the site prior to bond release. (30 CFR 805.13(b)).

(30 U.S.C. 1265(b)(20))

§§ 811.133 and 817.133 [Certain provisions suspended]

18. *30 CFR 816.133(b)(1) and 817.133(b)(1).* The regulations are suspended to the extent they preclude the operator from choosing to restore previously mined but unreclaimed land to a condition capable of supporting prior-to-mining use as well as a higher use.

(30 U.S.C. 1265(b)(2))

§§ 816.133 and 817.133 [Certain provisions suspended]

19. *30 CFR 816.133(c) (4) and (9) and 30 CFR 817.133(c) (4) and (9).* The regulations are suspended to the extent they require the applicant for an alternative land use to submit letters of commitment or firm written commitments from third parties to demonstrate that financing, attainment, and maintenance of the postmining land use are feasible.

(30 U.S.C. 1265(b)(2))

§§ 816.150–176 and 817.150–176 [Certain provisions suspended]

20. *30 CFR 816.150–176 and 817.150–176.* The regulations on roads are suspended.

(30 U.S.C. 1265(b))

§ 817.54 [Certain provisions suspended]

21. *30 CFR 817.54.* The regulation requiring underground mining operators to replace the water supply of landowners if the operation contaminates, diminishes, or interrupts the supply is suspended.

(30 U.S.C. 1307)

§§ 817.101 and 817.102 [Remanded]

22. *30 CFR 817.101(b)(1) and 817.102.* The regulations were remanded for revision to allow the approximate original contour requirement as applied to underground mining to provide some flexibility for settled fills that have become stabilized and revegetated. Pending further rulemaking, the Secretary will interpret the regulation in accordance with the court decision.

(30 U.S.C. 1265(b)(3) and 1266 (b)(10))

§§ 823.11 and 823.15 [Certain provisions suspended]

23. *30 CFR 823.11(c), 823.15(b), and 823.15(c).* Sections 823.11(c), 823.15(b), and 823.15(c) are suspended to the extent they require actual crop production to measure revegetation success on prime farmlands.

PART 823 [REMANDED]

24. *30 CFR Part 823.* This Part was remanded as it applies to underground mining to allow revision to provide an exemption for surface facilities that are actively used over extended periods but which affect a minimal amount of land. Pending further rulemaking, the Secretary will interpret this Part in accordance with the court decision.

(30 U.S.C. 1260(d))

PARTS 701, 779, 780, 783 AND 784 [CERTAIN PROVISIONS SUSPENDED]

25. *30 CFR 701.5 and Parts 779, 780, 783, 784.* The definition of the term "mine plan area" in 30 CFR 701.5 is suspended. Pending further rulemaking, the term mine plan area as used in Parts 779, 780, 783, and 784 will be interpreted to mean *permit area.*

Accordingly, the words "permit" or "permit area" will be substituted for "mine plan" or "mine plan area," as appropriate, in the following sections:

§ 779.11 and 783.11—*General Requirements*
§ 779.12 and 783.12—*General Environmental Resources Information*
§ 779.13 and 783.13—*Description of Hydrology and Geology: General Requirements*
§ 779.14 and 783.14—*Geology Description:*
§ 779.15 and 783.15—*Ground Water Information*
§ 779.16 and 783.16—*Surface Water Information*
§ 779.17 and 783.17—*Alternative Water Supply Information*
§ 779.18 and 783.18—*Climatological Information*
§ 779.22 and 783.22—*Land Use Information*
§ 779.24 and 783.24—*Maps: General Requirements*
§ 779.25 and 783.25—*Cross Sections, Maps and Plans*
§ 779.27 and 783.27—*Prime Farmland Investigation*
§ 780.11 and 784.11—*Operation Plan: General Requirements*
§ 780.14 and 784.23—*Operation Plan: Maps and Plans*
§ 780.21 and 784.14—*Reclamation Plan: Protection of Hydrologic Balance*
§ 780.25 and 784.16—*Reclamation Plan: Ponds, Impoundments, Banks, Dams, and Embankments*
§ 780.37 and 784.24—*Transportation Facilities*

(30 U.S.C. 1257(b) and 1258(a))

[FR Doc. 80-23369 Filed 8-1-80; 8:45 am]
BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 78-168]

Drawbridge Operation Regulations; New Haven Harbor, Quinnipiac and Mill Rivers, Conn.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the City of New Haven, the Coast Guard is changing the regulations governing the operation of the Chapel Street Bridge across the Mill River, mile 0.4, and the Ferry Street Bridge and the Grand Avenue Bridge across the Quinnipiac River, mile 0.7 and mile 1.3 respectively, to require that advance notice of the estimated time of opening be given during certain periods. This change is being made because of limited requests for openings of these bridges. This action will relieve the bridge owner of the burden of having a person constantly available to open each of the draws while still providing for the reasonable needs of navigation.

EFFECTIVE DATE: This amendment is effective on September 4, 1980.

FOR FURTHER INFORMATION CONTACT: William C. Heming, Bridge Administrator, Aids to Navigation Branch, Third Coast Guard District, Bldg. 135A, Governors Island, NY 10004 (212-668-7165.)

SUPPLEMENTARY INFORMATION: On May 10, 1979, the Coast Guard published a proposed rule (44 FR 27460) concerning this amendment. The Commander, Third Coast Guard District, also published these proposals in Public Notice 3-381 dated May 30, 1979. Interested persons were given until June 11, 1979 and June 30, 1979, respectively, to submit comments.

Drafting Information

The principal persons involved in drafting this rule are Dermot Naughton, Project Manager, and Lieutenant Bruce H. Tobey, Project Attorney, Third Coast Guard District.

Discussion of Comments

Twenty-one comments were received. Five had no objection to the proposal and sixteen objected. The objections were based on the need for openings for commercial vessels and emergency situations, the possibility of endangering vessels by keeping them from their berths and the inhibition of general mobility and commercial development. These objections were carefully considered.

To provide timely openings for commercial vessels and emergencies, the City of New Haven has agreed to continuously have a bridgetender available at the Ferry Street Bridge to open the draws of the Ferry Street, Chapel Street and Grand Avenue Bridges during advance notice periods. In the event that vessels are prevented from returning to their berths, safe water is available behind the Tomlinson Bridge where a bridgetender is present at all times.

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.120 to read as follows:

§ 117.120 New Haven Harbor, Quinnipiac and Mill Rivers, Conn.

(a) The draws of the Tomlinson Bridge, mile 0.0, the Ferry Street Bridge, mile 0.7, and the Grand Avenue Bridge, mile 1.3, across Quinnipiac River and the Chapel Street Bridge, mile 0.4, across Mill River shall open on signal except that:

(1) From 7:30 to 8:30 a.m., noon to 12:15 p.m., 12:45 to 1 p.m. and 4:45 to 5:45 p.m., the draws need not open.

(2) From 9 p.m. to 5 a.m. from October 1 through April 30, the draws of the Ferry Street Bridge, Quinnipiac River shall open on signal unless the drawtender is at the Grand Avenue or Chapel Street Bridges, in this event a delay of 1 hour can be expected.

(3) From 11 p.m. to 7 a.m. the draw of the Grand Avenue Bridge, Quinnipiac River, shall open on signal if at least 1 hour notice is given to the drawtender at the Ferry Street Bridge. In the event that the drawtender is at the Chapel Street Bridge an additional hour delay can be expected.

(4) From 9 p.m. to 5 a.m. the draw of the Chapel Street Bridge, Mill River, shall open on signal if at least 1 hour notice is given to the drawtender at Ferry Street Bridge. In the event that the

drawtender is at the Grand Avenue Bridge an additional hour delay can be expected.

(b) The sound signals for requesting the opening of each bridge are:

(1) The Tomlinson Bridge, two short blasts of a whistle or horn.

(2) The Ferry Street Bridge, one short blast of a whistle or horn.

(3) The Grand Avenue Bridge, one long blast of a whistle or horn.

(4) The Chapel Street Bridge, three short blasts of a whistle or horn.

(c) The drawtender shall acknowledge sound signals in the following manner:

(1) When the draw will open immediately, with the same signal as the requesting signal.

(2) When the draw cannot open immediately, or is open and must close, with four short blasts of a whistle or horn, to be repeated until acknowledged by the vessel by the same signal.

(3) When the condition in (c)(2) above no longer exists, the drawtender shall sound the opening signal and open the draw if any vessels are waiting to pass.

(d) The following visual signals are used in addition to sound signals for requesting the opening of each bridge when sound signals may not be heard. A white flag by day or a white light by night shall be swung in full circles at arm's length in full sight of the bridge and facing the draw.

(e) The drawtender shall acknowledge visual signals in the following manner:

(1) When the draw will open immediately, a white flag by day or a green light by night swung up and down vertically a number of times in full sight of the vessel.

(2) When the draw cannot open immediately, or is open and must close, a red flag by day or a red light by night, swung back and forth horizontally in full sight of the vessel, to be repeated until acknowledged by the vessel by the same signal.

(f) A notice containing the substance of these regulations shall be conspicuously posted on both the upstream and downstream sides of each drawbridge in such a manner so that it may be easily read from an approaching vessel at any time. This notice shall state who to contact to have the draw opened if advance notice is required.

(g) Commercial vessels, public vessels of the United States, vessels in distress, and state or local government vessels used for public safety purposes shall be passed through the draws during advance notice periods as soon as possible. Such vessels shall notify the operator of the Ferry Street Bridge for an opening of closed bridges.

(Sec. 5, 28 Stat. 362, as amended; sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(g)(3))

Dated: July 29, 1980.

R. I. Price,

Vice Admiral, U.S. Coast Guard, Commander, Third Coast Guard District.

[FR Doc. 80-23383 Filed 8-1-80; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

33 CFR Part 207

Cape Cod Canal, Massachusetts; Navigation Regulations

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Army is amending the regulations which establish policies, procedures, and requirements for the use, administration and navigation of the Cape Cod Canal, Massachusetts. The amendments are necessary to reflect the change in the types of vessel traffic using the canal.

EFFECTIVE DATES: September 1, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph T. Eppard, HQDA, DAEN-CWO-N, Washington, D.C. 20314, telephone number (202) 272-0200.

SUPPLEMENTARY INFORMATION: The Department of the Army promulgated regulations in 33 CFR 207.20 to govern the use, administration and navigation of the Cape Cod Canal, Massachusetts. The regulations were established on December 27, 1956, and amended on August 8, 1962. On September 13, 1979, we published proposed amendments to the Cape Cod Canal Regulations in the Notice of Proposed Rulemaking section of the **Federal Register** (44 FR 53179). The following is a list of commenters to the Notice of Proposed Rulemaking and a summary of their comments and our responses:

a. The U.S. Coast Guard, Marine Safety Office, Boston, Mass.

Concern: The proposed rules were not in agreement with Coast Guard regulations governing dangerous cargoes, management of vessels and pilotage.

Response: We concur with the recommendations of the Coast Guard and have made appropriate changes to 33 CFR 207.20(f), (k)(1), and (k)(2).

b. The Commonwealth of Massachusetts, Executive Office of Environmental Affairs

Concern: Desire to have petroleum products designated as hazardous cargoes, require assist tugs for winter transit of dangerous cargoes, and comprehensive definition of "sufficient horsepower to buck the tide."

Response: Petroleum products are not recognized as hazardous cargo by any Federal agency. One of the objectives of amending these regulations is to make them consistent with regulations promulgated by other Federal agencies. Characterizing petroleum products as hazardous for the 18-mile Cape Cod Canal would be confusing and unwise. The concept of requiring an assist tug for canal transits has been evaluated previously with the conclusion that an assist tug could do little to overcome the loss of the primary tug. Last, the Corps of Engineers engaged the services of a naval architect to conduct a study of the feasibility of establishing rules governing sufficient horsepower. The outcome of the study was a report that demonstrated how varied and complex it would be to create a hard set of rules covering sufficient horsepower. Human judgment utilizing a history of past performance of the vessel seeking passage is probably the most reliable indicator. Accordingly, we did not incorporate these proposed changes.

c. Mr. Herbert E. C. Weeks, Jr., Island Commuter Corp.

Concern: Requirement that vessels make a complete passage through the Cape Cod Canal would not allow excursion boats to change directions midway through the canal.

Response: Section 207.20(g) has been revised to permit excursion boats to operate and change direction within the canal in accordance with certain procedures. No further changes are required.

4. Captain Joseph P. Maco, Federal Pilot Association.

Concern: Proposed regulations would create unnecessary delays and hardships on users of the canal.

Response: Based on the level of input from project users, state, and local officials and the public, we have determined these amended regulations to be the safest and most efficient vehicle for all concerned to use and administer the Cape Cod Canal.

No other comments were received. The Department of the Army is amending 33 CFR 207.20 in its entirety as set forth below.

Note.—The Department of the Army has determined that this document does not

contain a major proposal requiring preparation of a regulatory analysis under EO 12044, Improving Government Regulations (43 FR 12661, March 24, 1978), or an environmental impact statement under the National Environmental Policy Act.

§ 207.20 Cape Cod Canal, Massachusetts; use, administration and navigation.

(a) *Limit of Canal.* The canal, including approaches, extends from the Canal Station Minus 100 in Cape Cod Bay, approximately one and six-tenths (1.6) statute miles seaward of the Canal Breakwater Light, through dredged channels and land cuts to Cleveland Ledge Light in Buzzards Bay approximately four (4) statute miles southwest of Wings Neck.

(b) *Supervision.* (1) The movement of ships, boats and craft of every description through the canal and the operation and maintenance of the waterway and all property of the United States pertaining thereto shall be under the supervision of the Division Engineer, U.S. Army Engineer Division, New England, Corps of Engineers, Waltham, Massachusetts, or the authorized representative of the division engineer, the Engineer-In-Charge of the Cape Cod Canal. The division engineer or the Engineer-In-Charge from time to time will prescribe rules governing the dimensions of vessels which may transit the waterway, and other special conditions and requirements which will govern the movement of vessels using the waterway.

(2) The Engineer-In-Charge, through the marine traffic controller on duty, will enforce these regulations and monitor traffic through the canal. The marine traffic controller on duty is the individual responsible for interpretation of these regulations with respect to vessels transiting the canal. Vessels transiting the canal must obey the orders of the marine traffic controller.

(3) The government has tugs stationed at the West Boat Basin for emergency use on an on-call basis. A patrol vessel is manned and operational 24-hours a day.

(c) *Communications.* There is a marine traffic controller on duty 24 hours a day, seven days a week, in the traffic control center located at the Canal Administrative Office. The primary method of communications between the canal and vessels transiting will be by VHF–FM Marine radio. The traffic controller can also be contacted by telephone.

(1) For radio communications, call the traffic controller on channel 16 to establish contact. The transmissions will then be switched to channel 12 or 14 as the working channel to pass information. Channel 13 is also available at the canal office; however, the use of channel 13 should be limited to emergency situations or whenever vessels do not have one of the other channels. All four channels are monitored continuously by the traffic controller. Radio discipline will be adhered to in accordance with FCC rules and regulations.

(2) For telephone communications with the traffic controller, call (617) 759–4431.

(3) Vessels shall maintain a radio guard on Marine VHF–FM channel 13 during the entire passage through the canal.

(4) All radio communications in the vicinity of the canal are tape recorded for future reference.

(d) *Vessels allowed passage.* The canal is open for passage to all adequately powered vessels properly equipped and seaworthy, of sizes consistent with safe navigation as governed by the controlling depths and widths of the channel and the vertical and horizontal clearances of the bridges over the waterway. The granting of permission for any vessel to proceed through the waterway shall not relieve the owners, agents and operators of full responsibility for its safe passage. No vessel having a greater draft forward than aft will be allowed to transit the canal. Craft of low power and wind driven are required to have and use auxiliary power during passage throughout the canal as defined in paragraph (a) of this section. Low powered vessels will be required to await slack water or favorable current for canal transit.

(e) *Tows.* (1) Tows shall be made-up outside the canal entrances. All vessels engaged in towing other vessels not equipped with a rudder shall use two lines or a bridle and one tow line. If the vessel in tow is equipped with a rudder or a ship shaped bow, one tow line may be used. All tow lines of hawsers must be hauled as short as practicable for safe handling of the tows. No towboat will be allowed to enter the waterway with more than two barges in tow unless prior approval is granted by the Engineer-In-Charge; requests must be submitted 12 hours in advance of the passage.

(2) The maximum length of pontoon rafts using the canal will be limited to 600 feet, and the maximum width to 100 feet. Pontoon rafts exceeding 200 feet in length will be required to have an additional tug on the stern to insure that the tow is kept in line. The tugs used must have sufficient power to handle the raft safely.

(3) Dead ships are required to transit the canal during daylight hours and must be provided with the number of tugs sufficient to afford safe passage through the canal. (A dead ship will not be allowed to enter the canal unless prior approval is granted by the Engineer-In-Charge; requests must be submitted 12 hours in advance of the passage).

(f) *Dangerous Cargoes.* The master or pilot of any vessel or tow carrying dangerous cargoes must notify the Marine Traffic Controller prior to entering the canal. Dangerous cargoes are defined as those items listed in 33 CFR 124.14(b) when carried in bulk (i.e., quantities exceeding 110 U.S. gallons in one tank) plus Class A explosives (commercial or military) as listed in 49 CFR 173.53 (commercial) and 46 CFR 146.29–100 (military), liquified natural gas and liquified petroleum gas. Transportation of dangerous cargoes through the canal shall be in strict accordance with existing regulations prescribed by law. In addition, vessels carrying dangerous cargoes shall comply with the following requirements.

(1) They must have sufficient horsepower to overcome tidal currents or they will be required to wait for favorable current conditions.

(2) Transits will be during daylight hours.

(3) No transit will be permitted when visibility conditions are unstable or less than 2 miles at the approaches and throughout the entire length of the canal.

(4) Transits must await a clear canal for passage.

(g) *Obtaining clearance.* (1) Vessels under 65 feet in length may enter the canal without obtaining clearance. All craft are required to make a complete passage through the canal except excursion craft which may operate and change direction within the canal in accordance with procedures coordinated with the marine traffic controller on duty. When the railroad bridge span is in the closed (down) position, all vessels are directed not to proceed beyond the points designated by stop signs posted east and west of the railroad bridge. Vessels proceeding with a fair tide (with the current) should turn and stem the current at the designated stop points until the railroad bridge is in the raised (open) position.

(2) Vessels 65 feet in length and over shall not enter the canal until clearance has been obtained from the marine traffic controller by radio. See paragraph (c) "Communications" for procedures. If a vessel, granted prior clearance, is delayed or stops at the mooring basins, state pier, or the Sandwich bulkhead, a second clearance must be obtained prior to continuing passage through the canal.

(3) Vessels will be given clearance in the order of arrival, except when conditions warrant one-way traffic, or for any reason an order of priority is necessary, clearance will be granted in the following order.

(i) First—To vessels owned or operated by the United States, including contractors' equipment employed on canal maintenance or improvement work.

(ii) Second—To passenger vessels.

(iii) Third—To tankers and barges docking and undocking at the Canal Electric Terminal.

(iv) Fourth—To merchant vessels, towboats, commercial fishing vessels, pleasure boats and miscellaneous craft.

(4) Procedures in adverse weather—Vessels carrying flammable or combustible cargoes as defined in 46 CFR 30.25 will be restricted from passage through the canal when visibility is less than ½ mile. Other vessels may transit the canal in thick weather by use of radar with the understanding that the United States Government will assume no responsibility: *And provided,* That clearance has been obtained from the marine traffic controller.

(h) *Traffic lights.* There are three sets of traffic lights showing red, green, and yellow that are operated on a continuous basis at the canal. The traffic lights apply to all vessels 65 feet in length and over. The traffic lights are a secondary system that is operated in support of the radio communications system. The traffic lights are located at the easterly canal entrance, Sandwich, and at the westerly entrance to Hog Island Channel at Wings Neck. A third traffic light is located at the Canal Electric Terminal basin on the south side of the canal in Sandwich, and applies only to vessels arriving and departing that terminal.

(1) *Westbound traffic*—When the green light is on at the eastern (Cape Cod Bay) entrance, vessels may proceed westward through the canal. When the red light is on, any type of vessel 65 feet in length and over must stop clear of the Cape Cod Bay entrance channel. When the yellow light is on, vessels 65 feet in length and over and drawing less than 25 feet may proceed as far as the East Mooring Basin where they must stop. Prior to continuing passage through the canal, clearance must be obtained from the marine traffic controller.

(2) *Eastbound traffic*—When the green light is on at Wings Neck, vessels may proceed eastward through the canal. When the red light is on, vessels 65 feet and over in length and drawing less than 25 feet must keep southerly of Hog Island Channel Entrance Buoys Nos. 1 and 2 and utilize the general anchorage areas adjacent to the improved channel. Vessel traffic drawing 25 feet and over are directed not to enter the canal channel at the Cleveland Ledge Light entrance and shall lay to or anchor in the vicinity of Buzzards Bay Buoy No. 11 (FLW & Bell) until clearance is granted by the canal marine traffic controller or a green traffic light at Wings Neck is displayed. When the yellow light is on, vessels may proceed through Hog Island Channel as far as the West Mooring Basin where they must stop. Prior to continuing passage through the canal, clearance must be obtained from the marine traffic controller.

(i) *Railroad Bridge Signals.* The following signals at the Buzzards Bay Railroad Bridge will be given strict attention.

(1) The vertical lift span on the railroad bridge is normally kept in the raised (open) position except when it is lowered for the passage of trains, or for maintenance purposes. Immediately preceding the lowering of the span, the operator will sound two long blasts of an air horn. Immediately preceding the raising of the span, the operator will sound one long blast of an air horn. When a vessel or craft of any type is approaching the bridge with the span in the down (closed) position and the span cannot be raised immediately, the operator of the bridge will so indicate by sounding danger signals of four short blasts in quick succession.

(2) When the lift span is in the down (closed) position in foggy weather or when visibility is obscured by vapor, there will be four short blasts sounded from the bridge every two minutes.

(j) *Speed.* All vessels are directed to pass mooring and boat basin facilities, the state pier, and all floating plant engaged in maintenance operations of the waterway at a minimum speed consistent with safe navigation. In order to coordinate scheduled rail traffic with the passage of vessels, to minimize erosion of the canal banks and dikes from excessive wave wash and suction, and for the safety of vessels using the canal, the following speed regulations must be observed by vessels of all types, including pleasure craft. The minimum running time for the land cut between the East Mooring Basin (Station 35) and the Administration Office in Buzzards Bay (Station 388) is prescribed as follows:

Head Tide—60 Minutes
Fair Tide—30 Minutes
Slack Tide—45 Minutes

The minimun running time between the Administration Office (Station 388) and Hog Island Channel westerly entrance Buoy No. 1 (Station 661) is prescribed as follows:

Head Tide—46 Minutes
Fair Tide—23 Minutes
Slack Tide—35 Minutes

The running time at slack water will apply to any vessel which enters that portion of the canal between stations 35 and 661, within the period of one-half hour before or after the predicted time of slack water as given in the National Ocean Survey publication "Current Tables, Atlantic Coast, North America." The minimum running time during a head tide or a fair tide shall apply to any vessel which enters that portion of the canal between Station 35 and 661 at any time other than designated above for time requirements at slack tide. Vessels of any kind unable to make a through transit of the land cut portion of the canal against a head current of 6.0 knots within a maximum time limit of 2 hours 30 minutes shall be required to obtain the assistance of a helper tug at the vessel owner's expense or await favorable tide conditions prior to receiving clearance from the marine traffic controller. In the event vessels within the confines of the canal fail to perform and are unable to make sufficient headway against the currents, the marine traffic controller may activate a helper tug in accordance with paragraph (k) of this section.

(k) *Management of vessels.* (1) Vessels within the limits of the canal shall comply with applicable navigation rules.

(2) Vessels within the limits of the canal shall comply with the applicable requirements for the use of pilots established by the Coast Guard, including but not limited to those contained in 46 CFR 157.20–40. Vessels will not be granted clearance to enter the canal until the marine traffic controller has been notified of the name of the pilot who will be handling the vessel.

(3) The master of a vessel will be responsible for notifying the marine traffic controller as soon as an emergency situation appears to be developing. When in the opinion of the marine traffic controller an emergency exists, he/she can require the master to accept the assistance of a helper vessel. Whether or not assistance is provided by a government vessel or by a private firm under contract to the government, the government reserves the right to seek compensation from the vessel owners for all costs incurred.

(4) Right of Way—All vessels proceeding with the current shall have the right of way over those proceeding

against the current. All craft up to 65 feet in length shall be operated so as not to interfere with the navigation of vessels of greater length.

(5) Passing of vessels—The passing of one vessel by another when proceeding in the same direction is prohibited except when a leading low powered ship is unable to make sufficient headway. However, extreme caution must be observed to avoid collision, and consideration must be given to the size of the ship to be overtaken, velocity of current and wind, and atmospheric conditions. Masters of vessels involved shall inform the marine traffic controller on duty of developing situations to facilitate coordination of vessel movement. Meeting or passing of vessels at the easterly end of the canal between Station Minus 40 and Station 60 will not be permitted, except in cases of extreme emergency, in order to allow vessels to utilize the center line range to minimize the effects of hazardous eddies and currents. Due to bank suction and tidal set, meeting and passing of vessels at the following locations will be avoided:

(i) Sagamore Bridge.

(ii) Bourne Bridge.

(iii) Railroad Bridge.

(iv) Mass Maritime Academy.

(6) Unnecessary delay in canal—Vessels and other type crafts must not obstruct navigation by unnecessarily idling at low speed when entering or passing through the canal.

(7) Stopping in the waterway—Anchoring in the Cape Cod Canal Channel is prohibited except in emergencies. For the safety of canal operations it is mandatory that the masters of all vessels anchoring in or adjacent to the canal channel (Cape Cod Bay to Cleveland Ledge Light) for any reason, immediately notify the marine traffic controller.

(8) Utilization of mooring and boat basins and the Sandwich Bulkhead—Vessels mooring or anchoring in the mooring or boat basins at the Sandwich bulkhead must do so in a manner not to obstruct or impede vessel movements to and from facilities. These facilities are of limited capacity and permission to occupy them for periods exceeding 24 hours must be obtained in advance from the marine traffic controller. Mooring in the West Boat Basin at Buzzards Bay, near the railroad bridge, is not permitted except in an emergency. Fishing boats, yachts, cabin cruisers and other craft utilizing the East Boat Basin on the south side of the canal at Sandwich, Massachusetts are not permitted to tie up at the Corps of Engineers landing float or anchor in a manner to prevent canal floating plant from having ready access to the float. All vessels or barges left unattended must be securely tied with adequate lines or cables. The United States assumes no liability for damages which may be sustained by any craft using the bulkhead at Sandwich or the canal mooring or boat basin facilities. Vessels shall not be left unattended along the face of the government bulkhead. A responsible person with authority to authorize and/or accomplish vessel movement must remain onboard at all times.

(l) *Grounded, wrecked or damaged vessels.* In the event a vessel is grounded, or so damaged by accident as to render it likely to become an obstruction and/or hazard to navigation in the waterway, the division engineer or the division engineer's authorized representative shall supervise and direct all operations that may be necessary to remove the vessel to a safe locality.

(m) *Commerical statistics.* Masters of vessels shall furnish the marine traffic controller on each passage through the canal their own names, the pilots' name and an accurate oral or written statement of passengers, freight, and other pertinent vessel data as required.

(n) *Deposit of refuse.* No oil or other allied liquids, ashes, or materials of any kind shall be thrown, pumped or swept into the canal or its approaches from any vessel or craft using the waterway, nor shall any refuse be deposited on canal grounds, marine structures, or facilities.

(o) *Trespass to property.* Subject to the provisions of paragraph (q) of this section trespass upon the canal property is prohibited.

(p) *Bridges over the canal.* The government owns, operates and maintains all bridges across the canal which include one railroad bridge and two highway bridges. The division engineer or his/her authorized representative may establish rules and regulations governing the use of these bridges.

(q) *Recreational use of canal.*—(1) *Policy.* (i) It is the policy of the Secretary of the Army acting through the Chief of Engineers to provide the public with safe and healthful recreational opportunities within all water resource development projects administered by the Chief of Engineers, including the canal and government lands part thereof. Any recreational use of the canal and those lands shall be at the users own risk.

(ii) All water resource development projects open for recreational use shall be available to the public without regard to sex, race, creed, color or national origin. No lessee, licensee, or concessionaire providing a service to the public shall discriminate against any person or persons because of sex, race, creed, color or national origin in the conduct of operations under the lease, license or concession contract.

(2) *Motor vehicles.* Operation of motor vehicles, motorcycles, minibikes, mopeds, motorbikes, snowmobiles, and all types of off-road vehicles is prohibited on government lands and service roads except in areas specifically designated for such operation.

(3) *Swimming.* Swimming, skin diving, snorkling, and scuba diving in the canal between the east entrance in Cape Cod Bay and the west entrance at Cleveland Ledge Light are prohibited. Diving operations may be authorized by the Engineer-In-Charge in conjunction with operation and maintenance of the canal.

(4) *Camping.* Overnight tenting or camping on governmment land is prohibited except in areas designated by the division engineer. Bourne Scenic Park and Scusset Beach State Reservation are designated camping areas. Persons asleep during hours of darkness in or out of vehicles shall be considered as campers.

(5) *Fishing.* Persons may fish with rod and line from the banks of the canal on Federally owned property except areas designated by the division engineer. Fishing and lobstering by boat in the Cape Cod Canal between the east entrance in Cape Cod Bay and the west entrance at Cleveland Ledge Light are prohibited. Fishing by boat is permitted in the area west of the State Pier in Buzzards Bay, provided that all craft stay out of the channel defined by United States Coast Guard buoys and beacons. Fish and game laws of the United States and the Commonwealth of Massachusetts will be enforced.

(6) *Hunting.* Hunting is permitted in accordance with game laws of the United States and the Commonwealth of Massachusetts.

(7) *Fires.* No open fires will be allowed at any time except by special permission and then shall be continuously overseen and in compliance with state or town laws.

(8) *Control of animals and pets.* (i) No person shall bring or have horses in camping, picnic, swimming beaches or developed recreation areas.

(ii) No person shall bring dogs (except seeing eye dogs), cats, or other pets into developed recreation areas unless penned, caged, or on a leash no longer than six feet or otherwise under physical restrictive controls at all time.

(9) *Restrictions.* (i) The division engineer may establish a reasonable schedule of visiting hours for all or portions of the project area and close or

restrict the public use of all or any portion of the project by the posting of appropriate signs indicating the extent and scope of closure. All persons shall observe such posted restrictions.

(ii) The operation or use of any audio or other noise producing device including, but not limited to, communications media and vehicles in such a manner as to unreasonably annoy, endanger persons or affect vessel traffic through the canal is prohibited.

(10) *Explosives, firearms, other weapons and fireworks.* (i) The possession of loaded firearms, ammunition, projectile firing devices, bows and arrows, crossbows, and explosives of any kind is prohibited unless in the possession of a law enforcement officer or Government employee on official duty or used for hunting during the hunting season as permitted under paragraph (q)(6) of this section, or unless written permission has been received from the division engineer.

(ii) The possession or use of fireworks is prohibited unless written permission has been received from the division engineer.

(11) *Public property.* Destruction, injury, defacement or removal of public property including natural formations, historical and archeological features and vegetative growth is prohibited without written permission of the division engineer.

(12) *Abandonment of personal property.* (i) Abandonment of personal property is prohibited. Personal property shall not be left unattended upon the lands or waters of the project except in accordance with this regulation. After a period of 24 hours, abandoned or unattended personal property shall be impounded and stored at a storage point designated by the division engineer. The division engineer shall assess a reasonable impoundment fee, which shall be paid before the impounded property is returned to its owners.

(ii) The division engineer shall, by public or private sales or otherwise, dispose of all lost, abandoned, or unclaimed personal property that comes into his/her custody or control. However, efforts should be made to find the owner, the owner's heirs or next of kin, or legal representatives. If the owner, heirs or next of kin, or legal representative is determined but not found, the property may not be disposed of until the expiration of 120 days after the date when notice, giving the time and place of the intended sale or other disposition, has been sent by certified or registered mail to that person at last known address. When diligent effort to determine the owner, owner's heirs or next of kin, or legal representative is unsuccessful, the property may be disposed of without delay, except that if it has a fair market value of $25 or more the property generally may not be disposed of until three months after the date it is received at the Cape Cod Canal Administrative Office. The net proceeds from the sale of property shall be placed into the Treasury of the United States as miscellaneous receipts.

(13) *Lost and found articles.* All abandoned/lost articles shall be deposited by the finder at the Canal Administration office or with Canal ranger. The finder shall leave his/her name, address, and phone number. All lost articles shall be disposed of in accordance with procedures set forth in paragraph (q)(12) of this section.

(14) *Advertisement.* Advertising by the use of billboards, signs, markers, audio devices or any other means whatever is prohibited unless written permission has been received from the division engineer.

(15) *Commercial activities.* The engaging in or solicitation of business without the written permission of the division engineer is prohibited.

(16) *Unauthorized structures.* The construction or placing of any structure of any kind under, upon or over the project lands or water is prohibited unless a permit has been issued by the division engineer. Structures not under permit are subject to summary removal by the division engineer.

(17) *Special events.* Prior approval must be obtained from the Engineer-In-Charge for special events, recreational programs and group activities. The public shall not be charged any fee by the sponsor of such event unless the division engineer has approved in writing the proposed schedule of fees.

(18) *Interference with government employees.* Interference with any government employee in the conduct of official duties pertaining to the administration of these regulations is prohibited.

(40 Stat. 266; 33 U.S.C. 1)

Dated: July 9, 1980.

Approved:

Michael Blumenfeld,

Assistant Secretary of the Army (Civil Works).

[FR Doc. 80-23306 Filed 8-1-80; 8:45 am]

BILLING CODE 3710-92-M

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33 CFR Part 207

Black Rock Lock, Buffalo, N.Y.; Navigation Regulations

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Army is amending the regulations which govern the use, navigation and administration of the Black Rock Lock at Buffalo, New York to reduce the hours of operation. The lock is presently available for navigation 24 hours a day, every day of the navigation season. In view of declining use of the canal for navigation and the small number of commercial vessel lockages combined with the increasing costs of operation and maintenance, continuous operation is no longer desirable.

EFFECTIVE DATE: September 1, 1980.

ADDRESS: HQDA, DAEN-CWO-N, Washington, D.C. 20314.

FOR FURTHER INFORMATION CONTACT: Mr. Vincente Montante, telephone number (716) 876-5454 extension 2284 or Mr. Ralph T. Eppard (202) 272-0200.

SUPPLEMENTARY INFORMATION: The Department of the Army promulgated regulations in 33 CFR 207.590 to govern the use, administration and navigation of the Black Rock Canal and Lock at Buffalo, New York. The Department of the Army is hereby amending 33 CFR 207.590 by adding new paragraph (m)(9) and (m)(10) as set forth below. These amendments limit the times the lock will operate and establish procedures for arranging lockage of commercial vessels during non-operational hours. On January 9, 1980, the Corps of Engineers published a proposed revision to 33 CFR 207.590 in the Notice of Proposed Rulemaking section of the **Federal Register** (45 FR 1919). No comments were received in response to the Notice of Proposed Rulemaking.

Note.—The Department of the Army has determined that this document does not contain a major proposal requiring preparation of a regulatory analysis under EO 12044, Improving Government Regulations (43 FR 12661, 24 March 1978).

(40 Stat. 266; 33 U.S.C. 1)

Dated: June 23, 1980.

Approved:

Michael Blumfeld,

Assistant Secretary of the Army (Civil Works).

Accordingly the Department of the Army hereby amends 33 CFR 207.590 by adding new paragraphs (m) (9) and (10) as set forth below:

§ 207.590 Black Rock Canal and Lock at Buffalo, N.Y.; use, administration and navigation.

* * * * *

(m) * * *

(9) Schedule of Seasonal Operation:

(i) March 23 through June 14—6 a.m. to 11 p.m., daily.

(ii) June 15 through September 6–24 hours, daily.

(iii) September 7 through November 30—6 a.m. to 11 p.m., daily.

(iv) December 1 through March 22—8 a.m. to 4:30 p.m., daily. During the navigation season the hours may be extended by the district engineer, depending on conditions and the need for lockage service. Public notices will be issued announcing the opening and closing dates at least 10 days in advance of such dates.

(10) Non-Operational Hours Lockings. In addition to the above schedule of operating hours, commercial vessels may be locked through during non-operational hours with prior arrangements made through the U.S. Army Engineer District, Buffalo. Requests for non-operational hours lockings shall be made at lease 24 hours in advance by calling (716) 876–5454, extension 2284 or by radio as described in paragraph (l) of this section, Monday through Friday, 9 a.m. to 4 p.m., except holidays. Requests shall include the approximate time of arrival and the name and call letters of the vessel or, if the vessel is not equipped to receive radio messages, a telephone number at which messages may be received for the vessel. If a requested lockage must be delayed, prompt notification shall be given by telephone or radio.

(40 Stat. 266; 33 U.S.C. 1)

[FR Doc. 80-23307 Filed 8-1-80; 8:45 am]

BILLING CODE 3710-92-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 58

Special Project Grants for Graduate Programs in Public Health

AGENCY: Public Health Service, HHS.

ACTION: Final rule.

SUMMARY: This rule sets forth requirements for programs for Special Project Grants for Graduate Programs in Public Health under section 792 of the Public Health Service Act (42 U.S.C. 295h–1).

EFFECTIVE DATE: This rule is effective August 4, 1980.

FOR FURTHER INFORMATION CONTACT: David B. Hoover, Acting Director, Division of Associated Health Professions, Bureau of Health Professions, Health Resources Administration, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782 (301–436–6838).

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 27, 1978, the Assistant Secretary for Health, with the approval of the Secretary of Health, Education, and Welfare, added a new Subpart B to Part 58 of Title 42 of the Code of Federal Regulations, entitled, "Special Project Grants to Develop New Graduate Programs or Expand Existing Graduate Programs in Public Health."

Although the regulations were effective upon publication in the **Federal Register**, interested persons were invited to submit comments on or before August 28, 1978. Twelve comments were received. A discussion of the comments and the Department's response to the comments is set forth below. Also discussed are comments received earlier in response to a request for public participation in the development of regulations which was published in the *Health Resources News* in August, 1977. All the comments addressed the eligibility requirements for educational institutions and special project grants contained in § 58.22 of the Interim-final regulations. This material is now located in §§ 58.20 and 58.22 of the final regulations.

The majority of the comments of the respondents to both the *Health Resources News* invitation to participate in regulation development and to the Interim-final regulations focused on the accreditation requirements for eligibility of training programs in institutions other than schools of public health. After the publication of the Interim-final regulations, Congress enacted the Health Services and Centers Amendments of 1978 (Pub. L. 95–626), which in section 121, amended section 792(b) of the Public Health Service Act, deleted both the requirement that the programs in these other institutions be accredited as a condition of eligibility and the requirement that applicants be public or nonprofit institutions.

The legislative history of this amendment, in H.R. Rep. No. 95–1799, 95th Cong., 2d Session (1978), p. 73, and 124 Cong. Rec. S16605 (September 29, 1978), makes clear that the purpose of the amendment was to delete accreditation requirements for institutions other than schools of public health. By contrast, there is no discussion in the legislative history of a change in the long-standing exclusion from eligibility for program development grants of profitmaking entities—an exclusion which is found throughout Title VII and adhered to generally by the Department as a matter of policy except where statutes specifically provide that such entities are eligible. In the absence of any clear statement of a congressional intention to overturn this standard restriction, the Department has concluded that it is not necessary to interpret the omission of this standard restriction as a directive to make special project grants available under section 792(b) of the Act to institutions organized for profit. Accordingly, the final regulations retain the language limiting eligibility to "public or nonprofit private" institutions.

Similarly, the phrase describing the special project costs which may be supported, "to develop new programs or to expand existing programs," was omitted from the amended version of section 792(b) of the Act without discussion. That same phrase is used in paragraph (a) to describe which special projects may be supported in schools of public health. Since there is no indication in the legislative history that the types of special projects which may be supported in other institutions should vary from those supportable in schools of public health, this description (which will be interpreted broadly) is retained in the final regulations (§§ 58.20 and 58.22) with respect to the project costs which will be eligible for grant support in schools of public health and other types of institutions as well.

Appropriate changes have been made in the regulations to reflect the statutory deletion of accreditation requirements. Accordingly, it is not necessary to discuss the comments on this matter.

Pub. L. 96–76, approved on September 29, 1979, amended section 792(a) of the Act by authorizing grant support for special projects to develop new programs or expand existing programs in maternal and child health. This amendment is incorporated in the final regulations.

One respondent referred to the fact that graduate programs in environmental or occupational health by definition provide training to prepare individuals for policy development roles, and solution of problems and the management of environmental systems in which humans live and work. This respondent proposed that the section be clarified so that advance technical training in environmental health would not be excluded. The regulations have been changed to clarify the project requirements § 58.23 as they relate to training of environmental health technologists at the graduate level.

Another respondent objected to the

restrictions on the programmatic breadth of the authority and the lack of provision for significant educational programs in areas including population control, infectious diseases, and other categories. Since the statute is specific with regard to the fields of study which may be supported, no changes have been made.

One commenter, although not having objections to existing accreditation mechanisms, expressed concern regarding the proliferation of new accreditation bodies and commented that quality standards are best determined by a site visit of peers to review the quality of the program. The visit should be associated with the evaluation of project proposals submitted by an institution for grants under this grant program. Since accreditation is a statutory prerequisite for schools of public health which cannot be satisfied solely by peer review, this suggestion has not been adopted. All grant proposals submitted for support under this subsection, however, are subject to peer review.

One respondent to the *Health Resources News* invitation to comment proposed that consideration be given to a federally qualified HMO which might be able to qualify as a "nonprofit private educational entity." Because the eligibility provisions and the definition of an educational entity as stated in the regulations would not exclude a project conducted in an HMO under the auspices of an eligible entity, nor would an HMO be excluded from eligibility which has a graduate program, no change was necessary to permit a qualified HMO to be the beneficiary of special project grant funds awarded under this subpart.

Another commenter suggested that since educational programs in schools of social work do not focus on the training of professional health administrators or planners but rather provide course content in administration for social work professionals, such schools should not be eligible for grants. Because the legislative history of the authorizing statute makes clear that Congress intended eligibility to be broad and to include schools of social work, no changes have been made in the regulations to exclude them.

A respondent was concerned that under the current accreditation restrictions, many medical schools would be ineligible to apply for support of programs in biostatistics and epidemiology, environmental and occupational health, dietetics and nutrition, health planning, health administration, health policy analysis and planning. As noted above, the regulations have been written to reflect the broad eligibility requirements for applicant institutions intended by Congress, particularly in light of the deletion of the accreditation requirements. Therefore, no additional changes are necessary to allow medical school programs to compete for special project grants under this part.

A commenter from a school of public health raised the question as to what constitutes the four general program areas specified in the legislation. He cites, as an example, that dental public health at his institution is concerned with biostatistics and epidemiology, and includes a special training program in dental epidemiology, and questions whether that program would qualify for support under the legislation referred to in this section. To clarify the eligibility of certain projects, § 58.22 has been revised.

Another commenter, representing a school of business, proposed that the limitation of eligibility for support to graduate programs was arbitrary and should be changed. Since the title of the statute specifies that grants under section 792 of the Act are to be made for "graduate educational prgrams", this suggestion has not been adopted.

Another respondent was of the opinion that special project grants authorized by section 792 of the Act and the traineeship grants authorized by section 748 of the Act for students in programs in the same areas of study should be awarded in combination. Since these are distinct statutory authorities (i.e., grant programs with separate funding authorities and requirements), the combining of grant awards, as suggested, would require the unnecessary combination of grant prerequisites and eliminate otherwise elibible recipients. Consequently, no change has been made.

The final regulations have been restructured and portions rewritten based on "Operation Common Sense", the Department's initiative to improve the quality and readability of its regulations. The provisions have also been reorganized into a standardized format for health professions grant regulations. The grants administration and nondiscrimination provisions (Interim-final §§ 58.26–58.33) have either been updated to reflect current policy or deleted as duplicative of the Department's grants administration regulation (45 CFR Part 74).

Accordingly, the existing Subpart B of 42 CFR Part 58 is revised and adopted as set forth below.

Dated: June 9, 1980.

Julius B. Richmond,

Assistant Secretary for Health.

Approved: July 14, 1980.

Patricia Roberts Harris,

Secretary.

Subpart B—Special Project Grants for Graduate Programs in Public Health

Sec.

58.20 To what grant program do these regulations apply?
58.21 Definitions.
58.22 Who is eligible to apply for a grant?
58.23 Project requirements.
58.24 How will applications be evaluated?
58.25 How long does grant support last?
58.26 For what purposes may grant funds be spent?
58.27 What additional Department regulations apply to grantees?
58.28 What other recordkeeping, audit and inspection requirements apply to grantees?
58.29 Additional conditions.

Authority: Sec. 215 of the Public Health Service Act, 58 Stat. 690, as amended by 63 Stat. 35 (42 U.S.C. 216); sec. 792 of the Public Health Service Act, 90 Stat. 2304 (42 U.S.C. 295h–1).

Subpart B—Special Grants for Graduate Programs in Public Health

§ 58.20 To what program do these regulations apply?

These regulations apply to grants under section 792 of the Public Health Service Act to schools of public health and other educational institutions to support development of new graduate programs or the expansion of existing graduate programs in biostatistics or epidemiology; health administration, health planning, or health policy analysis and planning; environmental or occupational health; dietetics and nutrition, or maternal and child health.

§ 58.21 Definitions.

As used on this subpart:

"Act" means the Public Health Service Act, as amended (42 U.S.C. 201 et. seq.).

"Educational institution" means a school, college, or university which offers or proposes to offer a graduate program to prepare public and community health personnel.

"Graduate program" means a program of education leading to a master's degree or equivalent, or a doctoral degree or equivalent, or a postbaccalaureate educational program for practicing public and community health personnel as defined in section 793(d) of the Act (42 U.S.C. 295h–2).

"Nonprofit", as applied to any entity, means an entity no part of the net earnings of which inures or may

lawfully inure to the benefit of any private shareholder or individual.

"School of public health" means a school which provides training leading to a graduate degree in public health or an equivalent degree and which has been accredited by the Council on Education in Public Health as a school of public health.

"Secretary" means the Secretary of Health and Human Services and any other officer or employee of the Department to whom the authority involved has been delegated.

"State" means any one of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

§ 58.22 Who is eligible to apply for a grant?

(a) Section 792(a) of the Public Health Service Act, as amended, authorizes the Secretary to make grants to accredited schools of public health to develop new programs or to expand existing graduate programs in:

(1) Biostatistics or epidemiology,

(2) Health administration, health planning, or health policy analysis and planning,

(3) Environmental or occupational health,

(4) Dietetics and nutrition, or

(5) Maternal and child health.

(b) Section 792(b) of the Public Health Service Act, as amended, authorizes the Secretary to award grants to assist in other public or nonprofit private educational entities meeting the costs of special projects in:

(1) Biostatistics or epidemiology,

(2) Health administration, health planning, or health policy analysis and planning,

(3) Environmental or occupational health, or

(4) Dietetics and nutrition.

§ 58.23 Project reqirements.

(a) A graduate program in *dietetics and nutrition* must prepare individuals, upon completion of the graduate program, for leadership roles in community nutrition, including the application of specialized knowledge to problems in community nutrition. It does not include basic professional training required for entry level employment as a registered dietitian nor technical training in clinical dietetics.

(b) A graduate program in *environmental or occupational health* must provide training to prepare individuals upon completion of the graduate program for policy development roles in the definition and solution of environmental or occupational health problems and the management of environmental systems in which humans live and work. Although it does not include technical training of industrial hygienists it does include training of technologists at the graduate level.

(c) A graduate program in *biostatistics* must prepare individuals, upon completion of the graduate program, in the application of statistical principles, techniques and methods to the identification and solution of health problems and the provision of health services and does not include preparation of individuals in research biostatistics (e.g., pharmaceutical areas (drugs, medication, dosage determination)).

(d) A graduate program in *epidemiology* must prepare individuals upon completion of the graduate program, in the knowledge and skills necessary to the identification of factors which influence or determine the occurrence of community health problems, the methods essential for their solution, and patterns for the provisions of health services.

(e) A graduate program in *health administration, health planning, or health policy analysis and planning* must prepare individuals, upon completion of the graduate program, in the organization, policy formulation, planning, evaluation and management of health services systems in accordance with § 58.24(f).

(f) A graduate program in *maternal and child health* must qualify the graduate for leadership and policy development roles in the administration of maternal and child health programs and the application of public health methods for the reduction of the incidence and prevalence of problems of pregnancy, parturition, motherhood, infancy, and childhood.

§ 58.24 How will applications be evaluated?

The Secretary will decide which applications to approve by considering among other factors:

(a) The potential of each project to meet its stated objectives;

(b) The administrative and managerial capability of each applicant to carry out its project;

(c) The soundness of the applicant's fiscal plan for assuring effective utilization of grant funds;

(d) The adequacy of the staff and faculty to carry out the training program;

(e) The potential of the training program to be implemented and continued on a self-sustaining basis; and

(f) With respect to applications for graduate programs in health administration, health planning, or health policy analysis and planning, whether each project includes:

(1) Graduate programs with broadly based training for health services administrators and planners as preparation for employment in a wide variety of health related organizations including public and voluntary agencies, extended care facilities, ambulatory care facilities, and health systems or planning agencies.

(2) Development or expansion of curriculum in health planning, policy and regulation, health economics, and quantitative methods or financial management in graduate programs in health administration.

(3) Graduate programs with field training in settings listed in paragraph (f)(1) of this section which involve experiences related to health planning, health economics, quantitative methods or financial management.

(4) Development or expansion of intensive short courses or external courses to enhance the competencies of practicing health services administrators and planners in the areas of health policy, health planning and regulation, health economics, quantitative methods and financial management.

(5) Graduate programs designed to meet needs for health services administration and planning personnel in geographic regions which have documented shortages of such personnel.

The Secretary will award grants within the limits of funds available to those approved applicants whose projects will best promote, in his or her judgment, the purposes of section 792 of the Act.

§ 58.25 How long does grant support last?

(a) The notice of grant award specifies the length of time the Secretary intends to support the project without requiring the project to recompete for funds. This period, called the project period, will not exceed three years.

(b) Generally, the grant will initially be funded for one year, and subsequent continuation awards will also be for one year at a time. A grantee must submit a separate application to have the support continued for each subsequent year. Decisions regarding continuation awards and the funding levels of these awards will be made after consideration of factors such as the grantee's progress and management practices, and the availability of funds. In all cases, continuation awards require a determination by the Secretary that

continued funding is in the best interest of the Federal Government.

(c) Neither the approval of any application nor the award of any grant commits or obligates the Federal Government in any way to make any additional, supplemental, continuation or other award with respect to any approved application or portion of an approved application.

(d) Any balance of federally obligated grant funds remaining unobligated by the grantee at the end of a budget period may be carried forward to the next budget period, for use as prescribed by the Secretary, provided a continuation award is made. If at any time during a budget period it becomes apparent to the Secretary that the amount of Federal funds awarded and available to the grantee for that period, including any unobligated balance carried forward from prior periods, exceeds the grantee's needs for that period, the Secretary may adjust the amounts awarded by withdrawing the excess. A budget period is an interval of time (usually 12 months) into which the project period is divided for funding and reporting purposes.

(e) If a grantee wishes to continue the grant beyond the project period originally approved, a renewal application must be submitted. This application will be treated as a competitive application. However, the maximum length of support for any particular project (including renewals) may not exceed five years.

§ 58.26 For what purposes may grant funds be spent?

(a) A grantee shall only spend funds it receives under this subpart according to the approved application and budget, the authorizing legislation, terms and conditions of the grant award, applicable cost principles specified in Subpart Q of 45 CFR Part 74, and these regulations.

(b) Grantees may not spend grant funds for sectarian instruction or any religious purpose.

§ 58.27 What additional Department regulations apply to grantees?

Several other regulations apply to these grants. They include, but are not limited to:

42 CFR Part 50—PHS grant appeals process
45 CFR Part 16—Department grant appeals process
45 CFR Part 46—Protection of human subjects
45 CFR Part 74—Administration of grants
45 CFR Part 75—Informal grant appeals procedures (indirect cost rates and other cost allocations)
45 CFR Part 80—Nondiscrimination under programs receiving Federal assistance from the Department—Implements Title VI of the Civil Rights Act of 1964
45 CFR Part 81—Practice and procedure for hearings under Part 80
45 CFR Part 83—Nondiscrimination on the basis of sex in the admission of individuals to training programs
45 CFR Part 84—Nondiscrimination on the basis of handicap in Federally assisted programs
45 CFR Part 86—Nondiscrimination on the basis of sex in Federally assisted education programs
45 CFR Part 91 [1]—Nondiscrimination on the basis of age in Department programs or activities receiving Federal financial assistance—

§ 58.28 What other audit and inspection requirements apply to grantees?

Each grantee must, in addition to the requirements of 45 CFR Part 74, meet the requirements of section 705 of the Act concerning audit and inspection.

§ 58.29 Additional conditions.

The Secretary may impose additional conditions in the grant award before or at the time of the award if he or she determines that these conditions are necessary to assure or protect the advancement of the approved activity, the interest of the public health, or the conservation of grant funds.

[FR Doc. 80-23272 Filed 8-1-80; 8:45 am]

BILLING CODE 4110-83-M

Health Care Financing Administration

42 CFR Part 455

State Medicaid Fraud Control Units; Correction

AGENCY: Health Care Financing Administration, HHS.

ACTION: Correction of final rule.

SUMMARY: A final rule published on February 28, 1980 (45 FR 13076), deleted from 42 CFR Part 455, Subpart D, State Medicaid Fraud Control Units, language that unnecessarily duplicated or conflicted with department-wide regulations contained in 45 CFR Part 74, Administration of Grants. This document corrects a technical error in that final rule.

FOR FURTHER INFORMATION CONTACT: Luisa V. Iglesias 202-755-1290.

Correction: In FR Doc. 80-6155, published February 28, 1980 (45 FR 13076) the caption for redesignated 42 CFR 455.300 (j)(2) was deleted. A new caption, *Retroactive certification,* should be added after the subparagraph designation, (j)(2), and before the text of that subparagraph.

[1] When used.

(Sec. 1102 of the Social Security Act, 42 U.S.C. 1302)

Dated: July 22, 1980.

Richard B. Lowe, III,

Acting Inspector General.

Approved: July 24, 1980.

Robert F. Sermier,

Acting Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 80-23446 Filed 8-1-80; 8:45 am]

BILLING CODE 4110-12-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FIA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESS: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426-1460 or Toll Free Line (800) 424-8872, (In Alaska or Hawaii, call Toll Free (800) 424-9080), Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determination of flood elevations for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

The final base (100-year) flood elevations for selected locations are:

Final Base (100-year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
California	Pleasanton (City) Alameda County (Docket No. FI-5089).	Alamo Canal	Interstate Highway 580—at centerline	*328
		Arroyo De La Laguna	Intersection of Hansen Drive and Calle Reynoso	*321
		Arroyo Del Valle	Santa Rita Road—centerline	*340
		Arroyo Las Positas	At confluence with Arroyo Mocho	*348
		Arroyo Mocho	Hopyard Road—75 feet upstream from centerline	*323
			Santa Rita Road—10 feet upstream from centerline	*336
		Chabot Canal	At confluence with Arroyo Mocho	*323
		Pleasanton Canal	Hopyard Road—10 feet upstream from centerline	*322
		Tassajara Creek	Southern Pacific Railroad—20 feet upstream from centerline	*337
		Line B-2-1	At confluence with Arroyo De La Laguna	*304
		Hewlett Canal	At confluence with Arroyo Mocho	*324
		Line G-3	Fairlands Drive—at centerline	*345
		Shallow Flooding	Intersection of Muirwood Drive and Tulipwood Circle	#2
	Maps available at City Hall, 200 Bernal Road, Pleasanton, California.			
Connecticut	Middletown (City) Middlesex County FI-5688.	Connecticut River	Conrail—200 feet upstream from centerline	*23
		Mattabesset River	State Route 9—50 feet upstream from centerline	*23
			State Route 72—50 feet upstream from centerline	*24
			Interstate 91—200 feet upstream from centerline	*25
		Coginchaug River	Conrail (1st crossing)—50 feet upstream from centerline	*23
			Jackson Street—100 feet upstream from centerline	*23
			State Route 66—50 feet upstream from centerline	*23
			2nd Dam—50 feet upstream from centerline	*27
			2nd Dam—50 feet upstream from centerline	*32
			Beverly Heights Road—40 feet upstream from centerline	*35
			3rd Dam—50 feet upstream from centerline	*44
			Middlefield Street—200 feet upstream from centerline	*49
			Conrail (2nd crossing)—100 feet upstream from centerline	*58
		East Swamp Brook	State Route 72—50 feet upstream from centerline	*23
			Drive to school—50 feet upstream from centerline	*25
			Congdon Street—at centerline	*42
	Maps available at City Hall, Lobby and Planning Office, Middletown, Connecticut.			
Pennsylvania	Carbondale, City Lackawanna County (Docket No. FI-5281).	Racket Brook	Williams Avenue (Upstream)	*1,140
			Spring Drive (Upstream)	*1,110
			Footbridge 530 feet downstream from Spring Drive (Upstream)	*1,099
			U.S. Route 6 (Upstream)	*1,095
			Private Bridge 235 feet upstream from John Street (Upstream)	*1,071
			John Street (Upstream)	*1,061
			Confluence with Lackawanna River	*1,058
		Lackawanna River	Upstream Corporate Limits	*1,098
			Confluence of Coal Brook	*1,074
			Confluence of Racket Brook	*1,058
			Salem Avenue (Upstream)	*1,052
			Eighth Avenue (Upstream)	*1,043
			Delaware and Hudson Railroad (Upstream)	*1,033
			Cottage Avenue (Upstream)	*1,015
			Downstream Corporate Limits	*1,005
		Fall Brook	Upstream Corporate Limits	*1,133
			Approximately 3,400 feet Upstream of Mouth	*1,094
	Map available at the City Hall, Carbondale, Pennsylvania.			

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator.)

Issued: July 2, 1980.

Francis V. Reilly,

Acting Federal Insurance Administrator.

[FR Doc. 80-23300 Filed 8-1-80; 8:45 am]

BILLING CODE 6718-03-M

COMMUNITY SERVICES ADMINISTRATION

45 CFR Part 1060

General Characteristics of CSA Funded Programs; CSA Income Poverty Guidelines (Revised)

AGENCY: Community Services Administration.

ACTION: Amendment to final rule.

SUMMARY: The Community Services Administration (CSA) is filing an amendment to 45 CFR 1060.2–2 revising its policy statement on the use of the poverty income guidelines to provide automatic eligibility for CSA program services to any individual or family certified eligible for SSI or AFDC payments, without the need for separate qualification through application of the CSA Income Poverty Guidelines. This amendment, which simplifies Federal program eligibility certification procedures, is deemed to be significant in terms of Executive Order 12044, since it extends CSA program eligibility to an estimated 652,000 households who were not previously eligible through application of the CSA Income Poverty Guidelines.

EFFECTIVE DATE: September 3, 1980.

FOR FURTHER INFORMATION CONTACT:

Mary R. Ellyn, Office of Policy, Planning and Evaluation, Planning and Policy Analysis Division, Community Services Administration, Washington, D.C. 20506, Telephone: (202) 632–6630, Teletypewriter: (202) 254–6218.

SUPPLEMENTARY INFORMATION: CSA published the proposed amendment to this Rule in the **Federal Register** on January 17, 1980 and invited comments on the proposal during a sixty-day waiting period which ended on March 17, 1980. Seventy-two responses were received, of which 51 expressed support of the proposed change, citing such effects as simplified program administration, reduced program costs, and improved benefits to the needy. The 21 respondents opposing the proposal expressed concern that limited CSA funds would not reach the population most in need, and that it might prove unfair to the working poor and to seniors just over the poverty line. After consideration of all the comments received, CSA has decided to enact the amendment. CSA wishes to thank every one who took the time to comment on the proposed amendment.

(Sec. 602, 78 Stat. 530 42 USC 292)

Richard J. Rios,

Director.

45 CFR Part 1060 is amended by revising § 1060.2–2(a) to read as follows:

§ 1060.2 Policy.

(a) The attached income guidelines are to be used for all those CSA-funded programs, whether administered by a grantee or delegate agency, which use CSA income poverty guidelines as admission standards. Any individual or family certified eligible for AFDC or SSI payments is automatically eligible for CSA program services, without the need to be separately certified through the application of the attached income guidelines. These income guidelines do not supersede alternative standards of eligibility approved by CSA.

[FR Doc. 80-23227 Filed 8-1-80; 8:45 am]

BILLING CODE 6315-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 78-368; RM-3155]

FM Broadcast Stations in Rio Grande City and Roma-Los Saenz, Tex.; Changes Made in Table of Assignments, Proceeding Terminated

AGENCY: Federal Communications Commission.

ACTION: Final rule (Report and Order).

SUMMARY: Action taken herein assigns FM Channel 249A to Roma-Los Saenz, Texas, and Channel 276A to Rio Grande City, Texas, in response to a petition filed by Tele-View, Inc. The proposed stations could provide a first local aural broadcast service to each of the respective communities.

EFFECTIVE DATE: September 8, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: July 23, 1980.

Released: July 29, 1980.

By the Chief, Policy and Rules Division.

In the Matter of: Amendment of Section 73.202(b), Table of Assignments, FM Broadcast Stations. (Rio Grande City and Roma-Los Saenz, Texas)

1. In response to a petition filed by Tele-View, Inc. ("Tele-View"), the Commission adopted a *Notice of Proposed Rule Making* on November 7, 1978, 43 FR 54111, which proposed the assignment of FM Channel 285A to Roma-Los Saenz, Texas. The proposal was made contingent upon approval of the Mexican Government. Approval was not given based on a conflict which would occur with the proposed use of the same channel to a Mexican community.

2. We then adopted a *Further Notice of Proposed Rule Making* on July 18, 1979, 44 FR 44574, proposing the deletion of Channel 249A from Rio Grande City, Texas, and its reassignment to Roma-Los Saenz. When an interest was later expressed in a Rio Grande City station by Hispanic Media Enterprises ("Hispanic"), a substitute channel (Channel 276A) was found as a replacement since Channel 249A is the only channel which can be assigned to Roma-Los Saenz.[1] It was noted that the Channel 276A assignment could be made provided the transmitter site was located approximately 1.6 kilometers (1 mile) north of Rio Grand City.

3. Since these proposals would provide the opportunity for Rio Grande City and Roma-Los Saenz to each have a first FM assignment and Mexican concurrence was necessary, we issued a *Second Further Notice of Proposed Rule Making* on December 10, 1979, 44 FR

[1] At the time the *Second Further Notice* was issued, Channel 249A at Rio Grande City was unoccupied and unapplied for. However, on December 27, 1979, an application for this channel at Rio Grande City was tendered by Hispanic Media Enterprises (791227AQ).

75419. Comments in support have been received from Tele-View reaffirming its intention to file for the proposed channel to Roma-Los Saenz, if assigned. Opposing comments were filed by Hispanic to which Tele-View responded.

4. Roma-Los Saenz (pop. 2,154),[2] in Starr County (pop. 17,707), is located on the Rio Grande River, approximately 129 kilometers (80 miles) south of Laredo, Texas. It has no local aural broadcast service. Rio Grande City (pop. 5,670), seat of Starr County, located 27 kilometers (16.6 miles) east of Roma-Los Saenz, also has no local aural broadcast service, but has an FM assignment (Channel 249A) for which an application has been tendered (see footnote 1).

5. In opposition, Hispanic contends that Roma-Los Saenz is less than half the size of Rio Grande City, which is the seat of Starr County and the commercial center of the county as well. It notes that although the area is experiencing substantial population growth, it does not have a sufficient economic base to warrant an additional FM channel. Hispanic argues that it has expended considerable funds in preparation of the applicantion in an effort to bring a local aural broadcast service to Rio Grande City. It claims it is now concerned that the substitution of channels in Rio Grande City would not only require preparation of a new engineering study, but would also necessitate arrangements for a different transmitter site, and asserts that this would delay the institution of a first local aural broadcast service to Starr County.

6. In reponse, Tele-View asserts that there can be no reasonable argument that Roma-Los Saenz is of such insufficient population which would preclude it from obtaining a first local broadcast outlet. Tele-View points out that the Commission gives high priority to providing each community with at least one FM local broadcast station, especially where that community lacks any broadcast service. Tele-View correctly states that arguments concerning a community's ability to support a station, or the economic impact of such a station relative to competitors, should not be considered at the rule making stage. Tele-View contends that Hispanic was on notice that the future status of Channel 249A at Rio Grande City was in question when the *Further Notice* and *Second Further Notice* were issued. Tele-View argues that since Hispanic had prior knowledge of this, the expenditure of funds for the application cannot be urged as a relevant point of consideration. It states that Hispanic's allegation that site locations for Channel 276A at Rio Grande City are extremely restricted is without support. Tele-View notes that its engineering study, which was filed with its reply comments to the *Further Notice*, reflected numerous available sites with clear line-of-sight to Rio Grande City, and with no problems of principal city coverage.

7. Upon consideration of the comments submitted by the parties, the Commission believes the adoption of the proposals herein would be in the public interest. One of the Commission's objectives is to provide every community with a local aural broadcast service, which Roma-Los Saenz and Rio Grande City do not have. In order to accomplish that end, there must be some interchange in channels in this instance, particularly since Channel 249A is the only channel available for assignment to Roma-Los Saenz. Although the substitution of channels in Rio Grande City would cause some inconvenience to Hispanic, we must point out that Hispanic proceeded to file its application for Channel 249A at Rio Grande City at its own risk, knowing the future outcome of this channel was pending. However, since available transmitter sites which would comply with the minimum distance separation requirements are available for the Channel 276A assignment at Rio Grande City, Hispanic's choice of site cannot be permitted to stand in the way of a first local aural broadcast service to Rio Grande City. As for the economic issues raised by Hispanic, this is a matter which more appropriately is dealt with at the application stage.

8. The Mexican Government has given its concurrence to the proposed assignment of Channel 276A to Rio Grande City and Channel 249A to Roma-Los Saenz, Texas.

9. In view of the foregoing, It is ordered, That effective September 8, 1980, Section 73/202(b) of the Commission's Rules, the FM Table of Assignments, as regards the communities listed below, is amendment as follows:

City	Channel No.
Rio Grande City, Texas	276A
Roma-Los Saenz, Texas	249A

10. Authority for the acton taken herein is contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

11. It is further ordered, That this proceeding is terminated.

12. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307))

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 80-23388 Filed 8-1-80; 8:45 am]

BILLING CODE 6712-01-M

[2] Population figures are taken from the 1970 U.S. Census.

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47 CFR Part 73

[BC Docket No. 79-321; RM-3442]

Radio Broadcast Services, FM Broadcast Station in Marana, Ariz.; Changes Made in Table of Assignments; Proceeding Terminated

AGENCY: Federal Communications Commission.

ACTION: Final rule (Report and Order).

SUMMARY: Action taken herein assigns an FM channel to Marana, Arizona, as its first FM assignment, in response to a petition filed by Steven Russell and Thomas Curley. The proposed assignment would provide the community with its first local aural broadcast service.

EFFECTIVE DATE: September 8, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: July 23, 1980.

Released: July 29, 1980.

By the Chief, Policy and Rules Division.

In the Matter of: Amendment of Section 73.202(b), Table of Assignments, FM Broadcast Stations. (Marana, Arizona)

1. On December 4, 1979, the Commission adopted a *Notice of Proposed Rule Making*, 44 Fed. Reg. 73131, proposing the assignment of FM Channel 252A to Marana, Arizona, in response to a petition filed by Steven Russell and Thomas Curley ("petitioners"). Petitioners filed supporting comments reaffirming their intention to file for the channel, if assigned. No responses to the petition were received.

2. Marana (pop. 1,680),[1] in Pima County (pop. 351,667),[2] is located approximately 40 kilometers (25 miles) northwest of Tucson.

3. Petitioners have submitted demographic data which sufficiently demonstrate a need for a local radio station.

4. The Mexican Government has given its concurrence to the proposed assignment of Channel 252A to Marana, Arizona.

5. We believe the public interest would be served by assigning FM Channel 252A to Marana, Arizona. A station on the proposed channel would provide the community with a first local aural broadcast service.

6. Accordingly, IT IS ORDERED, That effective September 8, 1980, the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, IS AMENDED as follows for the community listed below:

City	Channel No.
Marana, Arizona	252A

7. Authority for the adoption of the amendment contained herein appears in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

8. It is further ordered, That this proceeding is terminated.

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 80-23387 Filed 8-1-80; 8:45 am]

BILLING CODE 6712-01-M

[1] There is no Census figure listed for Marana, Arizona. Petitioners claim that, according to a study made by the Economic Department of the University of Arizona, the 1979 population of Marana is estimated to be 1,680. The population figure is different from that previously given us or as reported in the *Notice*.

[2] Population figure is taken from the 1970 U.S. Census.

47 CFR Part 73

[BC Docket No. 80-4; RM-3519]

FM Broadcast Station in Lake Havasu City, Ariz.; Changes made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule (Report and Order).

SUMMARY: Action taken herein assigns Channel 216A to Lake Havasu City, Arizona, as that community's first local noncommercial educational FM channel, in response to a petition filed by New Life Christian School. The channel can provide for a first local noncommercial educational broadcast service to that community.

EFFECTIVE DATE: September 8, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Lake Havasu City, Arizona); Report and Order (Proceeding Terminated).

Adopted: July 23, 1980.

Released: July 29, 1980.

By the Chief, Policy and Rules Division:

1. On January 10, 1980, the Commission adopted a *Notice of Proposed Rule Making*, 45 Fed. Reg. 3941, proposing the assignment of FM Channel 216A to Lake Havasu City, Arizona, for noncommercial educational FM use, in response to a petition filed by the New Life Christian School ("petitioner"). In comments, petitioner reaffirmed its intention to file for the channel, if assigned. No oppositions to the proposal have been filed.

2. Lake Havasu City (pop. 13,524)[1], in Mohave County (pop. 25,857), is situated on the shores of Lake Havasu near the California border and approximately 241 kilometers (150 miles) west of Phoenix, Arizona. Lake Havasu City is served locally by daytime-only AM Station KFWJ and FM Station KRFM (Channel 240A). There are no local noncommercial FM channels assigned to Lake Havasu City.

3. Petitioner had asserted that the tourist activities provide a bases for the local economy. It has previously submitted persuansive information with respect to Lake Havasu City and its need for a first noncommercial educational FM assignment.

4. We believe the public interest would be served by the assignment of Channel 216A to Lake Havasu City, Arizona. An interest has been shown for its use, and such an assignment would provide the community with a first local noncommercial educational FM broadcast service.

5. The Mexican Government has given its concurrence to the proposed assignment of Channel 216A to Lake Havasu City, Arizona.

6. Accordingly, pursuant to authority contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules, IT IS ORDERED, That effective September 8, 1980, the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, IS AMENDED with respect to the community listed below:

City	Channel No.
Lake Havasu City, Arizona	216A

7. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

8. For further information concerning this proceeding contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 80-23386 Filed 8-1-80; 8:45 am]

BILLING CODE 6712-01-M

[1] There is no population figure listed for Lake Havasu City in the 1970 U.S. Census. According to the Department of Commerce, Bureau of Census, the population of Lake Havasu City, as of January 1979, is 13,524.

47 CFR Part 74

[FCC 80-435; RM-2195]

Experimental, Auxiliary, and Special Broadcast, and Other Program Distributional Services; Transmission of News-Wire Teleprinter Signals on a Subcarrier of an STL or ICR Station

AGENCY: Federal Communications Commission.

ACTION: Final rule (Memorandum Opinion and Order).

SUMMARY: Commission editorially revises rules to specifically allow transmission of news-wire teleprinter signals on a subcarrier of an aural broadcast studio-transmitter-link station or intercity relay station.

EFFECTIVE DATE: August 8, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Albert S. Jarratt, Sr. Broadcast Bureau (202) 653-7275.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of Part 74, § 74.531(c) of the Commission's Rules concerning the transmission of news-wire teleprinter signals on a subcarrier of an STL or ICR station;

MEMORANDUM OPINION AND ORDER (Proceeding Terminated).

Adopted: July 17, 1980.

Released: July 28, 1980.

By the Commission:

1. The Wycom Corporation (Wycom) has petitioned the Commission to institute a rule making proceeding to revise the Commission's Rules governing aural broadcast STL (studio-transmitter-link) and intercity relay (ICR) stations (Part 74, Subpart E). Wycom desires changes to permit the transmission of teleprinter signals, such as those for the various news-wire services (Associated Press, United Press International, etc.) over a subcarrier of an aural STL or ICR station.

2. Petitioner notes that § 74.531 of the rules now permits the multiplexing of a subcarrier on STL's and ICR's only for the transmission of aural program material, operational communications or material authorized to be transmitted over an FM broadcast station under a subsidiary communications authorization. It argues that although the teleprinter signals are not in a format suitable for direct reception by the public, that they are ultimately put in such a form when read by a newscaster. Therefore, petitioner concludes that teleprinter signals should be considered as program material authorized for transmission on the STL or ICR subcarrier. Wycom concludes by stating that if the proposed change were made, it would encourage broadcast licensees located in remote areas to add a first or second news service whereas such service is now prohibitively expensive due to the high wire line cost associated with it.

3. The primary purpose of the aural STL or ICR station is to relay the main channel program material. Multiplexing of the STL or ICR station is permitted on a secondary basis in order to relay additional communication channels for program related purposes such as operational communications or material authorized to be transmitted on the FM broadcast station's SCA channel. Although the Commission's rules do not explicitly address the subject of Wycom's petition, the specific request in the petition does not require any rule change as the teleprinter signals ultimately become main channel programming. Therefore, the revision to include teleprinter news signals as requested by Wycom is simply interpretive in nature. The Commission's staff could have reasonably given an affirmative interpretation directly to Wycom under delegated authority; however, we are taking this opportunity to specifically add "teleprinter signals" to the aural STL or ICR station rules in order that all broadcast station licensees are informed of this interpretation and may take advantage of it if they so desire. The Commission is hereby revising § 74.531 to specifically include the transmission of teleprinter signals on a subcarrier of an STL or ICR station for the purpose of relaying a news-wire service for the strict use of the associated broadcast station.

4. Furthermore, the Commission agrees with Wycom that by permitting the licensee to use a subcarrier on its STL or ICR station to carry the news-wire teleprinter signal, it will make more efficient use of its equipment and auxiliary frequency assignment.

5. Authority for this amendment is contained in Sections 4(i), 303(g) and (r) of the Communications Act of 1934, as amended. Prior notice of rulemaking and participation therein are unnecessary pursuant to the Administrative Procedure and Judicial Review Act, 5 U.S.C. 553(b)(3)(A), inasmuch as the amendment ordered herein is interpretative in nature and does not impose additional burdens or raise new issues upon which comments would serve any useful purpose. Further information concerning this proceeding may be obtained from Albert Jarratt Sr., Broadcast Bureau 202–653–7275.

6. Accordingly, IT IS ORDERED, That effective August 8, 1980, Part 73 of the Commission's Rules and Regulations Is Amended as set forth in the attached Appendix.

7. IT IS FURTHER ORDERED, That this proceeding Is Terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

In § 74.531, paragraph (c) is revised to read as follows:

§ 74.531 Permissible service.

* * * * *

(c) Multiplexing of the STL or intercity relay transmitter may be employed to provide additional communication channels for the transmission of aural program material, news-wire teleprinter signals relaying news to be associated with main channel programming, operational communications, and material authorized to be transmitted over an FM station under a valid Subsidiary Communications Authorization (SCA). An aural broadcast STL or intercity relay station may not be operated solely for the transmission of operational, teleprinter or subsidiary communications. Operational communications include cues, orders, and other communications directly related to the operation of the broadcast station as well as special signals used for telemetry or the control of apparatus used in conjunction with the broadcasting operations.

* * * * *

[FR Doc. 80-23389 Filed 8-1-80; 8:45 am]

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47 CFR Part 97

[Docket No. 19852; FCC 80-419]

Amendment of Rules To Provide for the Amateur-Satellite Service

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission is adopting rules to govern stations operating in the Amateur-Satellite Service. These rules are needed to obviate requests for waivers of rules developed to regulate terrestrial radio communications. The effect of the adoption of these rules is to regularize amateur radio space operations which heretofore have been authorized on an *ad hoc* basis by rule waivers.

EFFECTIVE DATE: November 3, 1980.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: John B. Johnston or Maurice J. DePont, Private Radio Bureau, (202) 254–6884.

SUPPLEMENTARY INFORMATION:

Report and Order

Adopted: July 17, 1980.

Released: August 11, 1980.

In the matter of amendment of Part 97 of the Commission's rules to provide for the Amateur-Satellite Service, Docket No. 19852.

1. On February 14, 1973, the Commission adopted amendments to Part 2 of the Commission's rules in Docket No. 19547, published in the **Federal Register** on March 1, 1973 (38 F.R. 5562). These amendments incorporated into the rules the Amateur-Satellite Service (ASAT), as established by the World Administrative Radio Conference for Space Telecommunications, Geneva 1979. Certain frequencies already allocated to the Amateur Radio Service were also allocated to ASAT.

2. On October 25, 1973, the Commission adopted a Notice of Inquiry in Docket 19852, which was published in the **Federal Register** on November 6,

1973 (38 FR 30566). In our Notice of Inquiry, we indicated our desire to receive comments from interested parties concerning the structure for ASAT, technical standards, licensee qualifications, and other provisions that should be included in the rules.

3. On November 20, 1979, the Commission adopted a Notice of Proposed Rule Making in Docket 19852 which was published in the Federal Register on December 7, 1979 (44 FR 70499). The Notice discussed the comments filed in the Inquiry, the international regulations concerning ASAT, and the nature of the various waivers to Part 97 which have been necessary to make past and current space operations possible. Specific rules based upon these considerations were proposed for ASAT, and comments were solicited. They were due on February 5, 1980, with reply comments due on or before March 6, 1980.

Summary of Comments

4. Ten comments were filed in response to our Notice of Proposed Rule Making. All of them supported our objectives in developing rules for ASAT, and they agreed with our proposed rules in principle. They suggested helpful substantive improvements, and requested clarification of certain points in the proposed rules.

5. Both the American Radio Relay League (ARRL) and the Radio Amateur Satellite Corporation (AMSAT), pointed out that since the release of our Notice of Proposed Rule Making, the World Administrative Radio Conference (WARC), Geneva, 1979, was held. At that Conference, additional frequencies were allocated to ASAT, and a resolution was adopted which would exempt ASAT earth stations from international coordination procedures. Both organizations recommended the rules adopted in this proceeding incorporate these changes.

6. Several respondents addressed the issue of the notifications for space operation proposed in the Notice. No one questioned the need for notifications (which are required to satisfy international advance publication and coordination requirements). Their concern, rather, is the long lead time proposed for the first notification to the Commission (27 months). While there was an understanding of the basis of the proposal, they claim that such a long lead time is unrealistic for ASAT. AMSAT commented, "... Previous amateur radio satellites have been launched on 'missions of opportunity', and the actual missions available are often not identified until a much later date * * *". They recommended that the rules adopted for first notification of intended space operation include the phrase "if possible".

7. Other respondents forecast the possibility of future manned space flight where an amateur radio operator in the spacecraft may be able to operate the station from space by means of local control. ARRL supported their prediction with reference to amateur radio operator Owen Garriot, a member of the Skylab crew. They recommended that the rules adopted for ASAT include provision for such an eventuality.

8. ARRL and AMSAT recommended deleting the requirement that third party traffic be logged, in the case of space operation. ARRL claims such logging (required for all types of amateur radio operation by § 97.103(b)(2), "* * * is impossible in the context of an amateur satellite. Because the signal is not actually demodulated within the satellite, it is not possible to place a recorder within the orbiting spacecraft, and it is not possible to monitor the entire passband of the satellite from a single or small number of points on earth * * *". AMSAT also recommended deleting third party logging requirements for stations in telecommand operation. Their comments included no rationale for their recommendation.

9. The Southern California Repeater and Remote Base Association (SCRRBA) requested the restrictions against repeater operation in the frequency bands 431–433 and 435–438 MHz be deleted. They said their understanding is that these restrictions were initially adopted by the Commission to protect satellite stations. They were concerned "* * * future petitioners may request that additional frequency spectrum be withdrawn from some or all ARS uses for AMSS-exclusive use * * *" and they "* * * believe that it is the amateur radio community itself which should determine the specific activities to be conducted on the amateur frequency bands * * *".

10. ARRL recommended a clarification for proposed § 97.413 (Space operation requirements). They wanted to verify that the proposed section, if adopted, would supersede the requirements of present § 97.79 (Control operator requirements), and § 97.88 (Operation of a station by remote control).

11. AMSAT requested that provisions be made in the ASAT Rules which would permit amateur radio operators to accept pay for conducting earth operation and telecommand operation for periods when they are using a station in space operation for experiments and educational demonstrations. They also requested the definition of telemetry (proposed § 97.403(d)), and the rule for telemetry (proposed § 97.419)), be expanded to include stored messages "* * * of an amateur radio nature * * *". Furthermore, they requested that proposed § 97.413, which requires the capability to effect a cessation of radio transmissions in case the Commission so orders, be modified to include the phrases "within a reasonable period of time" or "within 24 hours".

12. AMSAT commented on the provision in § 97.415 that stations in ASAT must not cause harmful interference to other stations between 435 and 438 MHz. They claimed this requirement should only apply in the case of interference to non-amateur services. AMSAT also suggested simpler wording for some of the technical parameters described in proposed § 97.427.

13. Mr. Frederick E. Wirth, Jr. commented that he found the definitions in proposed § 97.403 "confusing and not inclusive". He recommended the definitions also account for space-to-space operation.

Conclusions

14. Our objective in this proceeding is to develop rules for ASAT through the rulemaking process. A statement of ASAT requirements in the Commission's rules will relieve the licensee of an amateur radio station in space operation from the burden of applying to the Commission for a lengthy series of waivers to rules developed to regulate terrestrial amateur radio communications. All of the respondents agree with our objective. Therefore, we are adopting rules for ASAT substantially as we proposed. Individual paragraphs in those rules, in certain instances, are adopted with the improvements suggested in the comments.

15. It would be premature to include in this proceeding the results of the World Administrative Radio Conference (WARC) (Geneva, 1979). The final acts of the Conference are not scheduled to become effective until January 1982 and, in the United States, will not be binding until after Senate ratification. Moreover, additional public comment may be necessary through the rulemaking process before they can be incorporated into the rules. Therefore, we are not including the additional frequencies allocated to ASAT by the Conference, at this time.

16. Turning to the matter of international coordination of space

operation, we are sympathetic to the problem a licensee could face in providing the necessary information over two years prior to operation. However, the international publication and coordination requirement does exist, and it is the responsibility of the Commission and its licensees to comply. Therefore, we are adopting the notifications requirements as proposed. Again, we point out that we could waive the first notification (at 27 months), where justified. Possibly the second notification (at 15 months) could be justified for a waiver. But in either case, the licensee would run a risk, although probably a small one, of later being directed to cease space operation in favor of a prior space operation, or for the purpose of avoiding interference with other radio services because of incomplete international coordination.

17. With a record of eight successful amateur radio space operations (under Commission authorizations), it is difficult to be skeptical over the predictions of future space operation where the control operator will also be aboard the spacecraft. Therefore, we are adopting proposed § 97.407 with wording to make it clearer that any amateur radio operator (with an FCC authorization) may be the control operator of a station in space operation. The same clarification is also added to § 97.409 to make it clearer that the same provision also applies to earth operation, a point suggested in the comments.

18. Because past and current amateur satellite designs have not provided for logging is insufficient reason, in itself, for deleting the requirement for logging third party traffic. However, we can see not useful purpose being served by requiring third party traffic passing through an amateur satellite to be logged. Therefore, the exception to § 97.103(b)(2) requested by ARRL and AMSAT is incorporated into § 97.417.

19. SCRRBA is partially correct in their understanding of the reasons for the prohibition against repeater operation in subbands 431–433 MHz and 435–438 MHz. The latter (435–438 MHz), was established to protect stations in space operation in Docket 18803 (Report and Order released September 8, 1972, and published in the **Federal Register** on September 13, 1972, (37 FR 18540)). The former (431–433 MHz) was established to protect weak signal experimentation in Docket 21033 (Memorandum Opinion and Order, released September 27, 1977, and published in the **Federal Register** on September 30, 1977, (42 FR 52418)). SCRRBA presented no new information in their comments over that which was considered by the Commission in those two proceedings. Inasmuch as weak signal experimentation is not a subject of this proceeding, their request to open 431–433 MHz to repeater operation is not being adopted. However, space operation is the subject, and their request to open 435–438 MHz to repeater operation is pertinent.

20. SCRRBA contends that frequencies allocated to both the Amateur Radio Service and ASAT should be jointly shared by all licensed operators, and should not be arbitrarily reserved for any particular sub-set. In principle, we concur with SCRRBA's contention. However, the 435–438 MHz ASAT/Amateur Radio Service frequency subband is unique. It is located within a relatively large band (420–450 MHz). It is a popular band, and is used for many diverse activities: Voice, television, experimentation, etc. Being an Ultra High Frequency band, a coordination organization such as SCRRBA can be very effective in achieving an orderly band plan for all of these varied activities, domestically. But ASAT is of international scope. There may be stations in space operation authorized by other governments. These stations may be used by amateur radio licensees of many countries. The characteristics of frequencies in this portion of the radio spectrum make them very useful for ASAT. To permit long term repeater operation in this subband could effectively remove them from space operation. Considering the remaining 25 MHz open to repeater operation, 3 MHz for space operation does not seem unreasonable. As far as SCRRBA's concern that future petitioners may be encouraged to request frequency spectrum be withdrawn from some or all amateur radio uses for ASAT–exclusive uses, those eventualities, if and when they occur, will be considered on their own merits. Therefore, SCRRBA's request to open 435–438 MHz to repeater operation is not being adopted.

21. Telecommand operation in ASAT is somewhat similar to radio remote control of an amateur radio station. In both situations, the control operator of a distant station is using another station (telecommand or control) to transmit command signals to the distant station for the purpose of carrying out his/her responsibilities as control operator. The main difference is that the control operator of a remotely-controlled amateur radio station always has a functioning control link to the distant station while the control operator of a station in space operation may not. The position of the satellite with respect to the earth may not provide the telecommand station with a view of the satellite for much of the time. This is the case with low earth orbit amateur satellites. Thus, the control operator requirements (§ 97.79) and remote control requirments (§ 97.88) have not meaning to space operation. We are adopting proposed § 97.417 which will state that those two sections are not applicable. This will provide the clarification recommended by ARRL.

22. In considering the matter raised by AMSAT of permitting amateur radio operators to accept pay for conducting earth operations and telecommand operations, we must bear in mind that the present prohibition (§ 97.112; No remuneration for use of station) is based upon international agreement (Article 1, Radio Regulation No. 3044/78). Therein the Amateur Radio Service is defined as "A service of self-training, intercommunication and technical investigation carried on by amateurs, that is, by duly authorized persons interested in radio techniques solely with a personal aim and without pecuniary interest". This definition was the subject of proposed modifications at the WARC (Geneva 1979). These proposals were debated at length at the Working Group level and were in part considered again in full Committee. Although the definition was changed editorially to make clear that which was earlier implicit, namely, that the Amateur Radio Service is a radiocommunication service, the phrase " * * * solely with a personal aim and without pecuniary interest" was retained and thereby emphasized. Therefore, it is our obligation to help preserve this very distinctive characteristic of the service, which is at the root of the many and varied privileges afforded amateur radio operators worldwide. For this reason, we are most reluctant to make any further exceptions to the "no pay" policy over the singular exception listed in § 97.112(b). (Control operators of club stations transmitting telegraphy practices and bulletins may accept compensation in a very precisely defined situation. As far as we know, only a few employees of the ARRL have taken advantage of this provision). Having laid this foundation, we do not find the sketchy information provided by AMSAT, as justification for their request, sufficient to establish the need for amateur radio operators to accept payment for conducting earth operations and telecommand operations. For this reason, we are not adopting AMSAT's suggestion.

23. The American Radio Relay League requested, in its comments, a

clarification of the matter of an amateur radio station retransmitting radio signals on frequencies reserved for higher operator classes. No amendments are necessary to make this clarification, which applies to repeater operation as well as space operation. As long as the control operator of the transmitting station is authorized (see § 97.7) for the frequency privileges being used, the fact that the station may retransmit from frequencies authorized to both higher and lower operator classes is of no consequence. For example, there is no prohibition, *per se*, for those types of operations where retransmission is permitted (repeater, auxiliary, and space) to retransmitting the signals from a station with a Technician Class control operator on frequencies not authorized for the Technician Class.

24. We take exception to the statement in AMSAT's comments that the non-interference provisions to protect stations using frequencies between 435 and 438 MHz should apply only to non-amateur services. The prohibition in the International Radio Regulations (RR MOD 3644/320A) against Amateur Satellite Service stations causing harmful interference does apply to the Amateur Radio Service (ARS) since ARS frequencies are in the International Table of Frequency Allocations. Further, the Amateur-Satellite Service definition (RR NOC 3108/84ATA) was not changed at WARC, 1979. That definition does not say that the Amateur-Satellite Service is part of the Amateur Radio Service. Moreover, Article 35 of the International Telecommunications Union Convention provides that all stations, whatever their purpose, must be established and operated in such a manner so as not to cause harmful interference to other radio services.

25. As a result of the comments received, we are adopting some changes to the proposed rules. Specifically, we have provided for automatic control of stations in space operation; exemption from all logging requirements for space operation; and an improvement in the wording of § 97.405 suggested by R.P Haviland. Mr. Haviland pointed out in his comments that future problems could arise with the definition of space operation because no distinction is made between existing operations and future operations. The rewording suggested overcomes this potential problem.

26. Accordingly, *it is ordered*, that effective November 3, 1980, Part 97 of the Commission's rules is amended as shown in the Appendix, pursuant to the authority contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended. The reporting requirement included herein is adopted subject to General Accounting Office clearance and, unless advised to the contrary, will be effective on the same date as these rules. *It is further ordered*, that this proceeding is terminated and the docket is closed. Further information on this matter may be obtained by contacting Maurice J. DePont, or John B. Johnston, Personal Radio Branch, at (202) 254–6884.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Part 97 of Chapter I of Title 47 of the Code of Federal Regulations is amended, as follows:

§ 97.3 [Amended]

1. In § 97.3, paragraphs (i) and (k) are deleted and designated [Reserved].

2. A new Subpart H is added to Part 97, as follows:

Subpart H—Amateur-Satellite Service

General

Sec.

97.401 Purposes.
97.403 Definitions.
97.405 Applicability of rules.
97.407 Eligibility for space operation.
97.409 Eligibility for earth operation.
97.411 Eligibility for telecommand operation.
97.413 Space operations requirements.

Technical Requirements

97.415 Frequencies available.

Special Provisions

97.417 Space operation.
97.419 Telemetry.
97.421 Telecommand operation.
97.423 Notification required.

Authority: Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303).

Subpart H—Amateur-Satellite Service

General

§ 97.401 Purposes.

The Amateur-Satellite Service is a radiocommunication service using stations on earth satellites for the same purposes as those of the Amateur Radio Service.

§ 97.403 Definitions.

(a) *Space operation.* Space-to-earth, and space-to-space, amateur radio communication from a station which is beyond, is intended to go beyond, or has been beyond the major portion of the earth's atmosphere.

(b) *Earth operation.* Earth-to-space-to-earth amateur radiocommunication by means of radio signals automatically retransmitted by stations in space operation.

(c) *Telecommand operation.* Earth-to-space amateur radio communication to initiate, modify, or terminate functions of a station in space operation.

(d) *Telemetry.* Space-to-earth transmissions, by a station in space operation, of results of measurements made in the station, including those relating to the function of the station.

§ 97.405 Applicability of rules.

The rules contained in this subpart apply to radio stations in the Amateur-Satellite Service. All cases not specifically covered by the provisions of this Subpart shall be governed by the provisions of the rules governing amateur radio stations and operators (Subpart A through E of this part).

§ 97.407 Eligibility for space operation.

Amateur radio stations licensed to Amateur Extra Class operators are eligible for space operation (see § 97.403(a)). The station licensee may permit any amateur radio operator to be the control operator, subject to the privileges of the control operator's class of license (see § 97.7).

§ 97.409 Eligibility for earth operation.

Any amateur radio station is eligible for earth operation (see § 97.403(b)), subject to the privileges of the control operator's class of license (see § 97.7).

§ 97.411 Eligibility for telecommand operation.

Any amateur radio station designated by the licensee of a station in space operation is eligible to conduct telecommand operation with the station in space operation, subject to the privileges of the control operator's class of license (see § 97.7).

§ 97.413 Space operations requirements.

An amateur radio station may be in space operation where:

(a) The station has not been ordered by the Commission to cease radio transmissions.

(b) The station is capable of effecting a cessation of radio transmissions by commands transmitted by station(s) in telecommand operation whenever such cessation is ordered by the Commission.

(c) There are, in place, sufficient amateur radio stations licensed by the Commission capable of telecommand operation to effect cessation of space operation, whenever such is ordered by the Commission.

(d) The notifications required by § 97.423 are on file with the Commission.

Technical Requirements

§ 97.415 Frequencies available.

The following frequency bands are available for space operation, earth operation, and telecommand operation:

Frequency Bands

kHz

7000–7100	14000–14250

MHz

21.00–21.45	28.00–29.70
144–146	435–438 [1]

GHz

24–24.05

[1] Stations operating in the Amateur-Satellite Service shall not cause harmful interference to other stations between 435 and 438 MHz (See International Radio Regulations, RR MOD 3644/320A).

Special Provisions

§ 97.417 Space operation.

(a) Stations in space operation are exempt from the station identification requirements of § 97.87 on each frequency band when in use.

(b) Stations in space operation may automatically retransmit the radio signals of other stations in earth operation, and space operation.

(c) Stations in space operation are exempt from the control operator requirements of § 97.79 and from the provisions of § 97.88 pertaining to the operation of a station by remote control.

(d) Stations in space operation are exempt from the station log requirements of § 97.103.

§ 97.419 Telemetry.

(a) Telemetry transmission by stations in space operation may consist of specially coded messages intended to facilitate communications.

(b) Telemetry transmissions by stations in space operation are permissible one-way communications.

§ 97.421 Telecommand operation.

(a) Stations in telecommand operation may transmit special codes intended to obscure the meaning of command messages to the station in space operation.

(b) Stations in telecommand operation are exempt from the station identification requirements of § 97.87.

§ 97.423 Notification required.

(a) The licensee of every station in space operation shall give written notifications to the Private Radio Bureau, Federal Communications Commission, Washington, DC 20554.

(b) *Pre-space operation notification.* (1) Three notifications are required prior to initiating space operation. They are:

First notification. Required no less than twenty-seven months prior to initiating space operation.

Second notification. Required no less than fifteen months prior to initiating space operation.

Third notification. Required no less than three months prior to initiating space operation.

(2) The pre-space operation notification shall consist of:

Space operation date. A statement of the expected date space operations will be initiated, and a prediction of the duration of the operation.

Identity of satellite. The name by which the satellite will be known.

Service area. A description of the geographic area on the Earth's surface which is capable of being served by the station in space operation. Specify for both the transmitting and receiving antennas of this station.

Orbital Parameters. A description of the anticipated orbital parameters as follows:

Nongeostationary satellite	Geostationary satellite
(1) Angle of inclination	(1) Nominal geographical longitude.
(2) Period	(2) Longitudinal tolerance.
(3) Apogee (kilometers)	(3) Inclination tolerance.
(4) Perigee (kilometers)	(4) Geographical longitudes marking the extremities of the orbital arc over which the satellite is visible at a minimum angle of elevation of 10° at points within the associated service area.
(5) Number of satellites having the same orbital characteristics	(5) Geographical longitudes marking the extremities of the orbital arc within which the satellite must be located to provide communications to the specified service area.
	(6) Reason when the orbital arc of (5) is less than that of (4).

Technical Parameters. A description of the proposed technical parameters for:

(1) The station in space operation; and

(2) A station in earth operation suitable for use with the station in space operation; and

(3) A station in telecommand operation suitable for use with the station in space operation.

The description shall include:

(1) Carrier frequencies if known; otherwise give frequency range where carrier frequencies will be located.

(2) Necessary bandwidth.

(3) Class of emission.

(4) Total Peak Power.

(5) Maximum power density (watts/Hz).

(6) Antenna radiation pattern.[1]

(7) Antenna gain (main beam).[1]

(8) Antenna pointing accuracy (geostationary satellites only).[1]

(9) Receiving system noise temperature.[2]

(10) Lowest equivalent satellite link noise temperature.[3]

(c) *In-space operation notification.* Notification is required after space operation has been initiated. The notification shall update the information contained in the pre-space operation notification. In-space operation notification is required no later than seven days following initiation of space operation.

(d) *Post-space operation notification.* Notification of termination of space operation is required no later than three months after termination is complete. If the termination is ordered by the Commission, notification is required no later than twenty-four hours after termination is complete.

* * * * *

3. In Appendix 2 of Part 97, the undesignated paragraph following the headnote is revised, and a new paragraph Sec. 6 is added as follows:

* * * * *

Appendix 2

Extracts From Radio Regulations Annexed to the International Telecommunications Convention (Geneva, 1959), as revised by the World Administrative Radio Conference for Space Telecommunications, Geneva, 1971.

* * * * *

Article 41—Amateur Stations

* * * * *

Sec. 6. Space stations in the Amateur-Satellite Service operating in bands shared with other services shall be fitted with appropriate devices for controlling emissions in the event that harmful interference is reported in accordance with the procedure laid down in Article 15. Administrations authorizing such space stations shall inform the International Frequency Registration Board (I.F.R.B.) and shall insure that sufficient earth command stations are established before launch to guarantee that

[1] These antenna characteristics shall be provided for both transmitting and receiving antennas.

[2] For a station in space operation.

[3] The total noise temperature at the input of a typical amateur radio station receiver shall include the antenna noise (generated by external sources (ground, sky, etc.) peripheral to the receiving antenna and noise re-radiated by the satellite), plus noise generated internally to the receiver. The additional receiver noise is above thermal noise, kT_oB.

Referred to the antenna input terminals, the total system noise temperature is given by

$T_s = T_a + (L-1)T_o + LT_r$

where: T_a : antenna noise temperature

L : line losses between antenna output terminals and receiver input terminals

T_o : ambient temperature, usually given as 290° K

T_r : receiver noise temperature, this is also given as $(NF-1)T_o$, where NF is receiver noise figure.

any harmful interference that might be reported can be terminated by the authorizing Administration.

* * * * *

[FR Doc. 80-23301 Filed 8-1-80; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

Prime Glazing Material Manufacturers

AGENCY: National Highway Traffic Safety Administration (NHTSA).

ACTION: Assignment of code numbers.

SUMMARY: This notice revises the list published November 11, 1976 (41 FR 49919), of code numbers assigned by NHTSA to prime glazing material manufacturers.

EFFECTIVE DATE: August 4, 1980.

ADDRESS: Code numbers are assigned to prime glazing material manufacturers on their written request to the Associate Administrator, Rulemaking, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Jetner, Office of Vehicle Safety Standards, Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-2664).

SUPPLEMENTARY INFORMATION: Prime glazing material manufacturers are required to certify glazing material as conforming to Federal Motor Vehicle Safety Standard No. 205 (49 CFR 571.205) by affixing the symbol DOT to the material, in accordance with paragraph S6.2 of Standard No. 205, followed by a code number assigned by NHTSA. This notice updates the list of code numbers that have been assigned.

(Secs. 103, 112, 114, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1403, 1407); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on July 28, 1980.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

Code Numbers Assigned to Prime Glazing Material Manufacturers

1. Not Assigned
2. Not Assigned
3. Not Assigned
4. Not Assigned
5. Not Assigned
6. Not Assigned
7. Not Assigned
8. Not Assigned
9. Not Assigned
10. Not Assigned
11. Not Assigned
12. Not Assigned
13. Not Assigned
14. Chromallay-Safetee Glass Division, King of Prussia, Pennsylvania
15. Libbey-Owens-Ford Co., Toledo, Ohio
16. Hayes-Albion Corp., Jackson, Michigan
17. Triplex Safety Glass Co., Ltd., Birmingham, England
18. P.P.G. Industries, Pittsburgh, Pennsylvania
19. Duplate Canada, Ltd., Toronto, Ontario, Canada
20. Asahi Glass Co., Ltd., Tokyo, Japan
21. Chrysler Corp., Detroit, Michigan
22. Guardian Industries Corp., Detroit, Michigan
23. Nippon Sheet Glass Co., Ltd., Osaka, Japan
24. Splintex Belge S.A., Gilly, Belgium
25. Flachglass AG Delog Detag, Fuerth/Bayern, West Germany
26. Corning Glass Works, Corning, New York
27. Vereinigte Glaswerke, Herzogenrath, West Germany
28. Spiegelglaswerke Germania, Porz, West Germany
29. Withdrawn
30. Sudglas Klumpp and Arretz GmbH, Bietigheim/Wurtt, West Germany
31. Glas-und Spiegelmanufaktur N. Kinon GmbH, Aachen, West Germany
32. Glaceries Reunies, S.A., Belgium
33. Laminated Glass Corp., Detroit, Michigan
34. Withdrawn
35. Hordis Borthers, Inc., Pennsauken, New Jersey
36. Societa Italiana Vetro, S.p.A., San Salvo (Chieti), Italy
37. Fabbrica Pisana DiSpecchi E Lastre Colate, Milan, Italy
38. N V Glasfabriek "SAS VAN GENT":, Sas Van Gent, Netherlands
39. Compagnie De Saint-Gobain, Neuilly, France
40. Dearborn Glass Co., Bedford Park (Argo P.O.), Illinois
41. Scanex Sakerhetsglas Aktiebolag, Landskrona, Sweden
42. Withdrawn
43. Boussois—Souchon—Neuvesel, Paris, France
44. Central Glass Co., Ltd., Tokyo, Japan
45. Splintex, Ltd., London, England
46. Cristales Inastillables de Mexico, S.A., Xalostoc Edo. de Mexico
47. Nordlamex Safety Glass OY, Helsinki, Finland
48. Rohm and Haas Co., Philadelphia, Pennsylvania
49. Lamino OY, Tampere, Finland
50. Armourplate Safety Glass Ltd., Port Elizabeth, South Africa
51. Vetreria di Vernante, S.p.A., Cuneo, Italy
52. Shatterproof Glass Corp., Detroit, Michigan
53. Hsinchu Glass Works, Inc., Taipei, Taiwan, Republic of China
54. Sunex Sakerhetsglas AB, Lysekil, Sweden
55. Globe-Amerada Glass Co., Elk-Grove Village, Illinois
56. Armour Glass Co., Santa Fe Springs, California
57. Aktiebolaget Trempex, Eslov, Sweden
58. Shatterproof de Mexico, S.A., Col. Industrial Vallego, Mexico
59. Industrias Venezolanas Automtrices C.A., Caracas, Venezuela
60. Muotolasi OY, Rauma, Finland
61. Taylor Products, Inc., Payne, Ohio
62. Cal Tuf Glass Corp., Alhambra, California
63. Union Carbide Corp., Ottawa, Illinois
64. Tyneside Safety Glass, Ltd., Gateshead-on-Tyne, England
65. Safelite Industries, Inc., Wichita, Kansas
66. Swedlow Inc., Garden Grove, California
67. Sierracin Corp., Sylmar, California
68. Vetrobel S.p.A., Torino, Italy
69. Fujiwara Kogyo Co., Ltd., Osaka, Japan
70. AUTOLASI, Lappi T. L., Finland
71. P. M. Tabor Co., Inc., Costa Mesa, California
72. Mitsubishi Rayon Co., Ltd., Los Angeles, California
73. V. E. Lipponen OY, Oulu, Finland
74. Beclawat (Canada) Ltd., Pointe Claire, Quebec, Canada
75. Ford Motor Co., Dearborn, Michigan
76. The Tudor Safety Glass Co., Ltd., Sheppey, Kent, England
77. Dongsung Glass Co., Ltd. of Korea, Seoul, Korea
78. CY/RO Industries, Sanford, Maine
79. Tripex Limited, Waterford, Ireland
80. E. I. du Pont de Nemours and Co., Inc., Wilmington, Delaware
81. Tamglass OY, Tampere, Finland
82. Donnelly Mirrors, Inc., Holland, Michigan
83. Vidrierias De Llodio, S.A., Llodio, Spain
84. Lahtis Glasbruk, Borup and Co., Lahti, Finland
85. K. S. H. Inc., St. Louis, Missouri
86. Eastman Chemical Products, Inc., Kingsport, Tennessee
87. Glaverbel s.a., Brussels, Belgium
88. Withdrawn
89. Goodyear Tire and Rubber Co., Akron, Ohio
90. Soliver, Veiligbeidsglas, Groenenherderstraat 18, Belgium
91. Sietex Safety Glass AB, Uppsala, Sweden
92. Toughened Glass Ltd., Liverpool, England
93. Day Specialties Co., Ltd., Midland, Ontario, Canada
94. General Electric Co., Pittsfield, Massachusetts
95. Glaverbel Glass Manitoba Ltd., Winnipeg, Manitoba, Canada
96. Taiwan Glass Corp., Lake Oswego, Oregon
97. AB Emmaboda Glasverk, Sweden
98. Plaskolite Inc., Columbus, Ohio
99. Ohio Plate Glass Co., Paul Manufacturing, Lewisburg, Ohio
100. Mills Appliance Products, Ltd., Bramalea, Ontario, Canada
101. Polycast Technology Corp., Stamford, Connecticut
102. Glass Develop AB, Lund, Sweden
103. Artistic Glass Products, Quakertown, Pennsylvania
104. Sheffield Poly-Glaz, Inc., Sheffield, Massachusetts
105. ASG Industries, Inc., Kingsport, Tennessee
106. British Industrial Plastics, Ltd., Essex, England
107. N. V. Hardmaas, Panovenweg, Holland
108. Tenneco Chemcial Inc., Newton Upper Falls, Massachusetts
109. S. A. Glaceries de Saint Roch, Auvelais, Belgium

110. Windor Industries, Inc., Dallas, Texas
111. Gebr. Happich GmbH., Wuppertal, West Germany
112. Roehm GmbH., Darmstadt, West Germany
113. Southern Plastics Co., Columbia, South Carolina
114. Paulding Glass Products, Inc., Paulding, Ohio
115. Hamilton of Indiana, Inc., Vincennes, Indiana
116. Surelite, Inc., Conway, Arkansas
117. Autoglass Peruana S.A., Lima, Peru
118. Toho Kasei Co., Ltd., Yokohama, Kanagawa, Japan
119. Sumitomo Chemical Co., Ltd., Higashi-Ku, Osaka, Japan
120. Vidrios Securit S.A., Barranquilla, Columbia
121. Cadillac Plastic and Chemical Co., Detroit, Michigan
122. Shatterpruff Safety Glass, Ltd., Port Elizabeth, South Africa
123. B&S Plastics, Inc., Jacksonville, Florida
124. XCEL Corporation, Newark, New Jersey
125. Sun Valley Tempered Glass Co., Oxnard, California
126. J. W. Carroll and Sons, Wilmington, California
127. Garibaldi Temper Glass Ltd., North Vancouver, British Columbia, Canada
128. Industrija Stakla Pancevo, Pancevo, Yugoslavia
129. Viracon, Inc., Owatonna, Minnesota
130. Vidrio Plano De Mexico, S.A., Mexico 14, D.F., Mexico
131. Acryltech, Inc., St. Paul, Minnesota
132. Fourco Glass Co., Fort Smith, Arkansas
133. M. L. Burke Co., Cornwells Heights, Pennsylvania
134. Triplex Ireland, Ltd., Templemore, Co., Tipperary, Ireland
135. Breaksafe Co., Chicago, Illinois
136. Lamilite, Ltd., Moncton, New Brunswick, Canada
137. Yokohama Kogaku Mage Garasu Co., Ltd., Yokohama City, Japan
138. W. R. Grace and Co., Los Angeles, California
139. ICI Plastics Ltd., Welwyn Garden City, Herts, England
140. Thomas Bennet Ltd., Leeds, England
141. Ishizuka Safety Glass Co., Ltd., Tokyo, Japan
142. CY–FAB Manufacturing and Engineering Corp., Detroit, Michigan
143. Galaxy Glass, Ltd., Winnipeg, Manitoba, Canada
144. Rowland Inc., Kensington, Connecticut
145. Lustro Plastics Co., Valencia, California
146. Buchmin Industries, Reedley, California
147. Roper Lanco, Andover, Kansas
148. Thermax Co., Elkhart, Indiana
149. Not Assigned
150. Florida Accessory Distributing Co., Inc., Miami, Florida
151. California Glass Distributors, Santa Fe Springs, California
152. T–O–W Industries, Chicago, Illinois
153. Temperline Inc., Seattle, Washington
154. Pawnee Plastics, Inc., Redlands, California
155. Thermoplastics, Inc., Warren, Michigan
156. Chi Mei Industrial Group, Tairan, Taiwan
157. Flex-O-Glass, Inc., Chicago, Illinois
158. Tempglass Ltd., Weston, Ontario, Canada
159. Noland Paper Co., Buena Park, California
160. Stirex Co., Bucharest, Romania
161. Northwestern Industries, Inc., Seattle, Washington
162. Elixir Industries, Compton, California
163. Pilkington Brothers (Canada), Ltd., Concord, Ontario, Canada
164. Pacific Tempered Glass Corp., Wilsonville, Oregon
165. Canadian Pittsburgh Industries, Ltd., Toronto, Ontario, Canada
166. Japan Tempered & Laminated Glass Co., Ltd., Aichi-Pref., Japan
167. Tecnik International Corp., Mt. Clemens, Michigan
168. Crystales Seguridad, Buenos Aires, Mexico
169. B. W. Molded Plastics Co., Pasadena, California
170. Tuf-Flex Glass, Inc., Vincennes, Indiana
171. Thermax Ltd., Durham, England
172. Pines of America, Inc., Fort Wayne, Indiana
173. Not assigned
174. K & E Plastics, Sawyer, Michigan
175. Hammond Manufacturing Corp., Lansing, Michigan
176. Oxford Products, Addison, Illinois
177. L–N Safety Glass S.A. de C.V. of Mexicali, Toledo, Ohio
178. Holt Glass Limited, Aldergrove, British Columbia, Canada
179. Strawsine Manufacturing Co., Corunna, Michigan
180. Ram Products, Sturgis, Michigan
181. Minex, Warsaw, Poland
182. Paragon Plastics Co., Mansfield, Texas
183. Avtoexport, Moscow, USSR
184. Daewon Safety Glass Industry Co., Ltd., Seoul, Korea
185. M&D Glass Tempering Ltd., Montreal, Quebec, Canada
186. Not assigned
187. Vitroplex S.A., Sao Paulo-SP., Brazil
188. Atlas Plastics Corp., Cape Girardeau, Missouri
189. Polytech, Inc., Owensville, Missouri
190. Christales Y Vidrios S.A. Cristavid, Santiago, Chile
191. Swedcast Corp., Florence, Kentucky
192. Santo Kogyo Co., Ltd., Yokkaichi-City, Japan
193. Precision Glass Lamination, San Francisco, California
194. Leisure Lite Window Co., Dayton, Ohio
195. IRDA Greek Safety Glass, Volos, Greece
196. Anglass Industries, Inc., San Fernando, California
197. Thai Polyplastic Industry Co., Ltd., Bangkok, Thailand
198. Torgal Vidros Moldural, Ltda., Santo Andre-Sao Paulo, Brazil
199. Criajsa, Guadlaglajia, Jalisco, Mexico
200. Champion Home Builders Co., Dryden, Michigan
201. Glaverta, Aachen, West Germany
202. National Cycle, Inc., Maywood, Illinois
203. Werner Inc., Cheboygan, Michigan
204. Texas Tempered Glass Co., Houston, Texas
205. Mazzucchelli Celluloide, Casliglione Alona (Varesse), Italy
206. Chicago Dial Co., Chicago, Illinois
207. Thai Safety Glass Co., Ltd., Bangkok, Thailand
208. Summit Polymers, Inc., Kalamazoo, Michigan
209. Withdrawn
210. Delta Formed Plastic Inc., Elkhart, Indiana
211. Cristalleria Expanola S.A., Madrid, Spain
212. Downey Glass Co., Inc., Los Angeles, California
213. Etablissements Gobba S.A., Vienne, France
214. Grish Brothers, Inc., St. John, Indiana
215. Companhia Vidraria Santa Marina, Sao Paulo, Brazil
216. Thomas R. Egan, Huntington Beach, California
217. Racine Plastic Inc., Racine, Wisconsin
218. Sheller-Globe Corp., Union City, Indiana
219. Svenskt Bilglas, Skarholmen, Sweden
220. Gladwin Inc., Oakwood, Georgia
221. Dugaplast S.P.A., Milano, Italy
222. Sklo Union, Teplice, Czechoslovakia
223. The Rotuba Extruders, Inc., Linden, New Jersey
224. Krystal Glass Co., Boulder Creek, California
225. B&D Glass & Mirror, Truro, Nova Scotia, Canada
226. N.A. Taylor Co., Inc., Gloversville, New York
227. Environmental Glass Corp., Brooklyn, New York
228. Distribuidora Americana "Disame", Guatemala, C.A.
229. Unarco Lighting, Chicago, Illinois
230. Walker Sales Co., Natick, Massachusetts
231. Farbenfabriken Bayer GmbH., Leverkusen, West Germany
232. Vitrobud Glass Factory, Kunice, Poland
233, Vitrobud Glass Factory, Sandomierz, Poland
234. Etablissements J. Viard & CIE, Saint Germer de Fly, France
235. Scanglas A/S, Korsor, Denmark
236. Bouchard Glass Inc., Ville D'Anjou, Quebec, Canada
237. Poly Industrial Co., Inc., Manila, Philippine Islands
238. Xindustria Cristalli Sicurezza, Mappano di Caselle, Italy
239. Doulton Tempered Glass Ltd., West Yorkshire, England
240. Herbert Lushan Plastics, Newton Centre, Massachusetts
241. VITCO (Vitreous International Trading Co., Inc.), Mt. Vernon, New York
242. Regal Plastic Supply Co., Carson, California
243. Tempered Glass Specialists, Antwerp, Ohio
244. Winnebago Industries, Inc., Forest City, Iowa
245. TTX S.A., Lima, Peru
246. Intreprinderea de Geamuri Buzau, Buzau, Romania
247. Santa Lucia Cristais Blindex Ltd., Sao Paulo, Brazil
248. Cascade Tempering, Inc., Vancouver, Washington
249. Covina-Companhia Vidreira Nacional Santo Tria da Azoia, Portugal
250. Romsit, Bucharest, Romania
251. Hordis Brothers Glass, Inc., Moorestown, New Jersey
252. Perkasie Industries Corp., Perkasie, Pennsylvania
253. AB Bofors Plast, Tidaholm, Sweden

254. Solcoor, Inc., New York, New York
255. Binswanger Mirror Products, Chandler, Arizona
256. BMW Motorrad GmbH, Munchen, West Germany
257. Douglas Glass & Manufacturing Ltd., Ontario, Canada
258. V.T. Systems, Inc., North Hollywood, California
259. Pacific Tempering Co., Inc., Long Beach, California
260. Cameron Tempering Co., Tulsa, Oklahoma
261. Tempglass Eastern, Inc., Norcross, Georgia
262. Pilkington Bros. Ltd. (NZ), Gisbourne, New Zealand
263. Alumi-Cover Awning Co., Inc., Mesa, Arizona
264. Bay Cities Metal Products, Inc., Newark, California
265. Fuji Safety Glass, Ltd., Toyama-pre., Japan
266. Not assigned
267. Fausa Glass, Lima, Peru
268. Oran, Palmachzova, D. N. Harei Yehuda, Israel
269. Hehr International, Inc., Los Angeles, California
270. Vetroeuropa S.p.A., Torinese, Italy
271. Kyowa Gas Chemical Industry, Ltd., Toyko, Japan
272. Gateway Industries, Rogers, Arkansas
273. Pan Lam, Inc., Bothell, Washington
274. Action Glass Tempering Co., Addison, Illinois
275. Fanavid, Sao Paulo, Brazil
276. Glassec Industries, Inc., Cornwall, Ontario, Canada
277. Vetreria Di Settala, Milan, Italy
278. Braas and Co., GmbH., Mannheim-Neckarau, West Germany
279. Lamilite, Inc., Saratoga Springs, New York
280. Teijin Chemicals Ltd., Minatoku, Tokyo, Japan
281. Altempco Glass Co., Alberta, Canada

[FR Doc. 80-23252 Filed 8-1-80; 8:45 am]
BILLING CODE 4910-59-M

Proposed Rules

Federal Register
Vol. 45, No. 151
Monday, August 4, 1980

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 29

U. S. Type 31—Burley Tobacco; Experimental Sales in Untied Form

AGENCY: Agricultural Marketing Service.

ACTION: Proposed rule.

SUMMARY: It is proposed that the Official Standard Grades for Burley Tobacco, U. S. Type 31, adopted for the 1979–80 season continue to be in effect during the 1980–81 season. Burley tobacco is grown primarily in Kentucky, Tennessee, Ohio, Indiana, Virginia, North Carolina, West Virginia, and Missouri. Prior to the 1978–79 season, burley tobacco was eligible for all offical grades only when marketed tied in hands. For educational and research purposes, the Department proposes that burley tobacco also be eligible for all official grades when marketed untied in bales in limited quantities on all sales days during the 1980–81 season.

DATE: Comments are due on or before August 22, 1980.

ADDRESS: Send comments in duplicate to T. A. VonGarlem, Director, Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 502 Annex Building, Washington, D. C. 20250. Comments will be available for public inspection at this location during regular business hours.

FOR FURTHER INFORMATION CONTACT: T. A. VonGarlem, Director, Tobacco Division, Agricultural Marketing service, United States Department of Agriculture, Washington, D.C. 20250 (202–447–2567).

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Department proposes that the Official Standard Grades for Burley Tobacco, U.S. Type 31, adopted for the 1979–80 season (44 FR 57097, October 9, 1979) continue to be in effect, without change, during the 1980–81 marketing season. The authority for these regulations is contained in the Tobacco Inspection Act (49 Stat. 731; U.S.C. 511 *et seq.*).

During the 1974–75 and 1975–76 burley marketing seasons, the Department cooperated with the University of Kentucky which was conducting experimental sales of untied baled burley tobacco. In these experiments, federal tobacco graders applied unofficial grades to the tobacco. This unofficial grading involved a determination by the Federal grader as to the official grade a particular lot of tobacco would have warranted if the lot had been properly prepared for market and displayed as part of a regularly scheduled auction. In the 1976–77 season, experimental sales were conducted, using both baled tobacco and tobacco packed loose on burlap sheets, by the Universities of Kentucky and Tennessee and various State Farm Bureaus. Again, only unofficial grades were applied by government graders. Experimental sales were discontinued during the 1977–78 season and the Council for Burley Tobacco appointed a committee to further study the entire project. Subsequent to this study, the Council made recommendations to the Secretary of Agriculture for the conducting of further experimental sales of baled burley tobacco in the 1978–79 marketing year.

Based on numerous requests from the burley industry, and particularly, on the recommendations of the Council, the Department amended its regulations, for the 1978–79 season, solely for experimental purposes, to provide that on certain days during the season Federal graders apply official grades to limited quantities of untied burley tobacco packed straight in bales and offered for sale at auction centers throughout the entire burley production area.

Following the completion of the 1978–79 marketing season, the Department collected pertinent project data on relevant aspects of the experiment. Much data was supplied by the Universities of Kentucky and Tennessee. At the request of the Agricultural Marketing Service, a study was made and a report was compiled by the Economics, Statistics, and Cooperatives Service which analyzed, interpreted, and summarized all available data on the experiment. Briefly, the report concluded:

- 10.6 million pounds of burley was sold in bales—1.6 percent of total sales.
- Baled tobacco prices averaged one cent per pound lower than tied prices.
- Price differentials for baled tobacco varied by grade of tobacco—lug and leaf diffentials were lowest and tips and nondescript highest.
- Grade distribution of tied and baled tobacco were similar.
- Some growers can realize cost savings of 7 cents per pound by marketing their tobacco untied.

Following the completion of the 1979–80 marketing season, the Department again collected pertinent data on relevant aspects of the experiment. Again, the Universities of Kentucky and Tennessee supplied much data. A study was compiled by the Economics, Statistics, and Cooperatives Service which analyzed, interpreted, and summarized all available data. Copies of the report may be obtained from Information Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. Briefly, the report concludes:

- Sales of baled tobacco increased from 10.6 million pounds, or 1.6 percent of the crop, in 1978–79 to 25.2 million pounds, or 5.1 percent of the crop, in 1979–80.
- Baled tobacco prices averaged 1.7 cents per pound lower than tied prices in 1979–80, compared to one cent lower per pound in 1978–79.
- Grade distributions of tied and baled tobacco varied only slightly.
- Although some growers achieved savings of seven cents or more per pound (as in 1978–79), the average cost savings in the 1979–80 experiment amounted to five cents per pound by baling tobacco.
- The relatively small volume of baled tobacco handled had little effect on warehouse operations; larger volumes might offer some efficiencies in warehouse operations.

The report was reviewed by officials of the Agricultural Marketing Service, Agricultural Stabilization and Conservation Service, and Economics, Statistics, and Cooperatives Service. While the results of the past year's experiment do not show a substantial increase in actual participation in the "baled" method of marketing, producer attitudes appear to be generally positive and acceptance of this marketing concept is increasing. Further, the

results of the 1979–80 experiment were affected by adverse weather and disease conditions which considerably reduced production for that crop year. Based on these findings and, in the interest of the burley tobacco industry, the Department proposes to extend the experiment, unchanged, into the 1980–81 marketing season.

Prior to the 1978–79 season, the definition of "rework," Section 29.3050, of the regulations provided that tobacco not tied in hands be graded NOG (no grade), a non-price-supported designation applied to tobacco classified as nested, off-type, rework, semicured, damaged 20 percent or more, abnormally dirty, containing foreign matter, and/or having an odor foreign to the type.

Based on the Department's evaluation of the 1978–79 and 1979–80 experiments, it is proposed that the definition of "rework" in § 29.3050, be amended for the 1980–81 marketing season only, to allow burley tobacco, untied in bales, to qualify for any of the official standard grades for which it meets the specifications, providing that the leaves in said bale are not tied in hands, are packed straight and that the bales are approximately 1 X 2 X 3 feet in size. Further, it is proposed that such baled burley tobacco be officially graded at any warehouse on all sales days during the 1980–81 season.

The proposal by the Department is conditioned by the following:

1. That it is the responsibility of the operator of a warehouse to open the particular bale in a lot of tobacco chosen by a grader for inspection and to reseal that bale after inspection; and

2. That the producer is responsible for certifying that the bale inspected by a grader is representative of the grade of all the tobacco in that lot, that the leaf was stalk-cured, that the bales do not contain any foreign matter or material and that the bales are not nested.

The Department's instructions to graders would be amended to conform to these understandings.

It has been determined that an emergency situation exists in that producers need to know as soon as possible about whether or not the baled burley experiment will be extended into the coming marketing season. Therefore, it is necessary to waive the 60-day comment period. All persons who desire to submit written data, views or arguments for consideration in connection with this proposal may file the same in duplicate with T. A. VonGarlem, Director, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, Room 502 Annex Building, Washington, D.C. 20250, not later than August 22, 1980.

All written submissions made pursuant to this notice will be made available for public inspection at the above location during regular business hours (7 CFR 1.27(b)).

Section 29.3050 of the regulations is proposed to be amended as follows:

§ 29.3050 Rework.

Any lot of tobacco which needs to be resorted or otherwise reworked to prepare it properly for market in the manner which is customary in the type area, including: (a) tobacco which is so mixed that it cannot be classified properly in any grade of the type because the lot contains a substantial quantity of two or more distinctly different grades which should be separated by sorting; (b) tobacco which contains an abnormally large quantity of foreign matter or an unusual number of muddy or extremely dirty leaves which should be removed; and (c) tobacco not tied in hands, not packed straight, not properly tied, or otherwise not properly prepared for market: *Provided*, That during the burley marketing season which will begin in November or December 1980 and end by April 1981, burley tobacco which is offered for sale in bales shall not be considered to require rework if the tobacco in said bales is not tied in hands, is packed straight, and the size of the bale is approximately 1 X 2 X 3 feet. *Provided* further that: (1) tobacco marketed untied in bales will be officially graded on all sales days at any warehouse during the 1980–81 marketing season; (2) the operator of any warehouse at which baled burley tobacco is offered for sale shall open the particular bale, in a lot of tobacco, chosen by a grader for inspection and reseal that bale after inspection; and (3) the producer, by offering untied, baled burley tobacco for sale, certifies that the bale inspected by a grader is representative of the grade of all the tobacco in that lot, that the leaf was stalk-cured, that the bales do not contain any foreign matter or material and are not nested.

Dated: July 28, 1980.

Jerry C. Hill,

Deputy Assistant Secretary for Marketing Services.

[FR Doc. 80-23339 Filed 8-1-80; 8:45 am]

BILLING CODE 3410-22-M

Federal Crop Insurance Corporation

7 CFR Part 404

Proposed Western United States Apple Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation.

ACTION: Proposed rule.

SUMMARY: This proposed rule prescribes procedures for insuring apples grown in the Western United States effective with the 1981 crop year. This rule is a revision of the previous regulations for insuring apples to include several changes in a clearer, shorter, and simpler document which will make the program more effective administratively. This proposed rule is promulgated under the authority of the Federal Crop Insurance Act, as amended.

DATE: Written comments, data, and opinions on this proposed rule must be received on or before October 3, 1980, to be sure of consideration.

ADDRESS: Written comments on this proposed rule should be sent to the Manager, Federal Crop Insurance Corporation, Washington, D.C., 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone 202–447–3325.

The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available on request from the above-named individual.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA procedures established in Secretary's Memorandum No. 1955 (March 23, 1978), to implement Executive Order No. 12044 (August 25, 1978) and has been classified as "not significant".

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation (FCIC) proposes to revise and reissue the Western United States Apple Crop Insurance Regulations (7 CFR Part 404) as published in the **Federal Register** on November 29, 1976 (41 FR 52289), as amended on January 17, 1978 (43 FR 2381), on January 9, 1979 (44 FR 1963), and on December 18, 1979 (44 FR 74792–74793), effective for the 1981 crop year.

In addition to shortening and simplifying the regulations, the proposed 7 CFR Part 404 provides (1) for a premium adjustment table that provides for up to 50 percent premium discount for good insuring experience and

premium increases for unfavorable insuring experience, which replaces the present premium discount system, (2) for insurance protection to be provided against "fruit-set failure", which is a new insurable cause of loss covering failure of the apple tree to develop blossoms or failure of the apple to set due to adverse weather conditions, but not including poor pollination resulting from inadequate pollinizers in the orchard or failure to set due to spray damage or other manageable causes, (3) that the insurance period will begin on November 21 instead of the present March 1 and March 16, (4) that the premium per acre will be the production guarantee per acre multiplied by the applicable price election and the result multiplied by the premium percentage rate, (5) for a method for computing the production lost due to reduction in grade, (6) for unit division by written agreement between the insured and the Corporation or by applicable guidelines, and (7) for changes in the cancellation and termination for indebtedness dates as indicated on the following table:

	Present	Proposed
End of Insurance: (No change).	Oct. 31	Oct. 31
Cancellation	Dec. 31	Sep. 30
Termination:		
Oregon	Feb. 28	Nov. 20
Washington	Mar. 15	Nov. 20

In addition, there has been added a proposed "Good Faith Reliance on Misrepresentation" section found in 7 CFR 404.5 of the proposed regulations. This section is now included in all FCIC regulations and provides a limitation of $20,000 in those cases involving good faith reliance on misrepresentation by employees or agents of the Corporation wherein the Manager of FCIC is authorized to take action to grant relief. Similar cases involving in excess of $20,000 may only be considered by the Board of Directors of the Corporation.

All previous regulations applicable to insuring apples in the Western United States as found in 7 CFR Part 404 (41 F.R. 52289), as amended on January 17, 1978 (43 F.R. 2381), on January 9, 1979 (44 F.R. 1963), and on December 18, 1979 (44 F.R. 74792–74793), will not be applicable to the 1981 and succeeding Western United States apple crops but will remain in effect for FCIC Western United States apple insurance policies issued prior to 1981.

All written submissions made pursuant to this notice will be available for public inspection in the Office of the Manager during regular business hours, 8:15 a.m. to 4:45 p.m., Monday through Friday.

Proposed Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), FCIC proposes to revise and reissue the Western United States Apple Crop Insurance Regulations (7 CFR Part 404) effective for the 1981 and succeeding crop years, which shall remain in effect until amended or superseded, to read as follows:

PART 404—WESTERN U.S. APPLE CROP INSURANCE

Subpart—Regulations for the 1981 and Succeeding Crop Years

Sec.

404.1 Availability of Western U.S. Apple Insurance.
404.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.
404.3 Public notice of indemnities paid.
404.4 Creditors.
404.5 Good faith reliance on misrepresentation.
404.6 The contract.
404.7 The application and policy.

Authority: Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended (7 U.S.C. 1506, 1516)

§ 404.1 Availability of Western U.S. Apple Insurance.

Insurance shall be offered under the provisions of this subpart on apples in counties within limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation. Before insurance is offered in any county, there shall be published by appendix to this part the names of the counties in which Western U.S. apple insurance will be offered.

§ 404.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.

(a) The Manager shall establish premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed for apples which shall be shown on the county actuarial table on file in the office for the county and may be changed from year to year.

(b) At the time the application for insurance is made, the applicant shall elect a coverage level and price at which indemnities shall be computed from among those levels and prices shown on the actuarial table for the crop year.

§ 404.3 Public notice of indemnities paid.

The Corporation shall provide for posting annually in each county at each county courthouse a listing of the indemnities paid in the county.

§ 404.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or an involuntary transfer shall not entitle the holder of the interest to any benefit under the contract except as provided in the policy.

§ 404.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the Western U.S. apple insurance contract, whenever (a) an insured person under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation, (1) is indebted to the Corporation for additional premiums, or (2) has suffered a loss to a crop which is not insured or for which the insured person is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured person believed to be insured, or believed the terms of the insurance contract to have been complied with or waived, and (b) the Board of Directors of the Corporation, or the Manager in cases involving not more than $20,000, finds (1) that an agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice, (2) that said insured person relied thereon in good faith, and (3) that to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured person shall be granted relief the same as if otherwise entitled thereto.

§ 404.6 The contract.

The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. Such acceptance shall be effective upon the date the notice of acceptance is mailed to the applicant. The contract shall cover the apple crop as provided in the policy. The contract shall consist of the application, the policy, the attached appendix, and the provisions of the county actuarial table. Any changes made in the contract shall not affect its continuity from year to year. Copies of

forms referred to in the contract are available at the office for the county.

§ 404.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's insurable share in the apple crop as landlord, owner-operator, or tenant. The application shall be submitted to the Corporation at the office for the county on or before the applicable closing date on file in the office for the county.

(b) The Corporation reserves the right to discontinue the acceptance of applications in any county upon its determination that the insurance risk involved is excessive, and also, for the same reason, to reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the closing date for submitting applications or contract changes in any county, by placing the extended date on file in the office for the county and publishing a notice in the **Federal Register** upon the Manager's determination that no adverse selectivity will result during the period of such extension: *Provided, however,* That if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) In accordance with the provisions governing changes in the contract contained in policies issued under FCIC regulations for the 1977 and succeeding crop years, a contract in the form provided for under this subpart will come into effect as a continuation of a Western U.S. apple contract issued under such prior regulations, without the filing of a new application.

(d) The provisions of the application and Western U.S. Apple Insurance Policy for the 1981 and succeeding crop years, and the Appendix to the Western U.S. Apple Insurance Policy are as follows:

U.S. Department of Agriculture

Federal Crop Insurance Corporation

Application For 19——and Succeeding Crop Years

Western U. S. Apple Crop Insurance Contract

Contract number ——————
Identification Number ——————
Name and Address ——————
ZIP Code ——————
County ——————
State ——————
Type of Entity ——————
Applicant is over 18 Yes——No——

A. The applicant, subject to the provisions of the regulations of the Federal Crop Insurance Corporation (herein called "Corporation"), hereby applies to the Corporation for insurance on the applicant's share in the apples grown on insurable acreage as shown on the county actuarial table for the above-stated county. The applicant elects from the actuarial table the coverage level and price at which idemnities shall be computed. The premium rates and production guarantees shall be those shown on the applicable county actuarial table filed in the office for the county for each crop year.
Level Election ——————
Price Election ——————

Example: For the 19—Crop Year Only (100% Share)

Location/Farm No.	Guarantee per acre [1]	Percentage premium rate [2]
.....	.....	.....
.....	.....	.....
.....	.....	.....

[1] Your guarantee will be on a unit basis (acres x per acre guarantee x share).
[2] Your premium is subject to adjustment in accordance with section 5(c) of the policy.

B. When notice of acceptance of this application is mailed to the applicant by the corporation, the contract shall be in effect for the crop year specified above, unless the time for submitting applications has passed at the time this application is filed, and shall continue for each succeeding crop year until canceled or terminated as provided in the contract. This accepted application, the following Western U. S. apple insurance policy, the attached appendix, and the provisions of the county actuarial table showing the production guarantees, coverage levels, premium rates, prices for computing indemnities, and insurable and uninsurable acreage shall constitute the contract. Additional information regarding contract provisions can be found in the county regulations folder on file in the office for the county. No term or condition of the contract shall be waived or changed except in writing by the Corporation.

Signature of Applicant ——————
date, 19—— ——————
Code No./Witness to Signature ——————
Address of Office for County: ——————
——————
Phone ——————
Location of Form Headquarters: ——————
——————
Phone——————

Western U.S. Apple Crop Insurance Policy

Terms and Conditions

Subject to the provisions in the attached appendix:

1. *Causes of Loss.* (a) Causes of loss insured against. The insurance provided is against unavoidable loss of production resulting from frost, freeze, wind, hail or fruit-set failure occurring within the insurance period, subject to any exceptions, exclusions or limitations with respect to causes of loss shown on the actuarial table.

(b) Causes of loss not insured against. The contract shall not cover any loss of production, as determined by the Corporation, due to (1) the neglect or malfeasance of the insured, any member of the insured's household, the insured's tenants or employees, (2) failure to follow recognized good orchard management practices, (3) damage resulting from the backing up of water by any governmental or public utilities dam or reservoir project, or (4) any cause not specified as an insured cause in this policy as limited by the actuarial table.

2. *Crop and Acreage Insured.* (a) The crop insured shall be apples established as adapted to the area, which is located on insured acreage, and for which the actuarial table shows a guarantee and premium rate per acre.

(b) The acreage insured for each crop year shall be that acreage of apples located on insurable acreage as shown on the actuarial table, and the insured's share therein as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect: *Provided,* That insurance shall attach only after the acreage (1) has produced a minimum of 250 boxes per acre and (2) is considered acceptable based upon a Corporation inspection.

3. *Responsibility of Insured to Report Acreage, Share, Yield, and Number of Trees.* The insured shall submit to the Corporation on a form prescribed by the Corporation, a report showing the following: (a) all acreage of apples in the county (including a designation of any acreage to which insurance does not attach) in which the insured has a share, (b) the insured's share therein at the time insurance attached, (c) the number of bearing trees thereon, and (d) the loose field boxes produced from the preceding year's insurable acreage on each unit. Such report shall be submitted each year not later than November 20.

4. *Production Guarantees, Coverage Levels, and Prices for Computing Indemnities.* For each crop year of the contract, the production guarantees, coverage levels, and prices at which indemnities shall be computed shall be those shown on the actuarial table.

5. *Annual Premium.* (a) The annual premium is earned and payable on the date insurance attaches and the amount thereof shall be determined by multiplying the insured acreage times the production guarantee per acre, times the price election per loose field box, times the percentage premium rate, times the insured's share at the time insurance attaches, times the applicable premium adjustment percentage in subsection (c) of this section.

(b) For premium adjustment purposes, only the years during which premiums were earned shall be considered.

(c) The premium shall be adjusted as shown in the following table;

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% ADJUSTMENTS FOR FAVORABLE CONTINUOUS INSURANCE EXPERIENCE																
	Numbers of Years Continuous Experience Through Previous Year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
Loss Ratio 1/ Through Previous Crop Year	Percentage Adjustment Factor For Current Crop Year															
.00 – .20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55	50
.21 – .40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41 – .60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61 – .80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	80
.81 – 1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
% ADJUSTMENTS FOR UNFAVORABLE INSURANCE EXPERIENCE																
	Number of Loss Years Through Previous Year 2/															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Loss Ratio 1/ Through Previous Crop Year	Percentage Adjustment Factor For Current Crop Year															
1.10 – 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 – 1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40 – 1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70 – 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 – 2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50 – 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 – 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 – 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 – 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 – Up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

1/ Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.

2/ Only the most recent 15 crop years will be used to determine the number of "Loss Years". (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year.)

BILLING CODE 3410-08-C

(d) Any amount of premium for an insured crop which is unpaid on the day following the termination date for indebtedness for such crop shall be increased by a 9 percent service fee, which increased amount shall be the premium balance, and thereafter, at the end of each 12-month period, 9 percent simple interest shall attach to any amount of the premium balance which is unpaid: *Provided,* When notice of loss has been timely filed by the insured as provided in section 7 of this policy, the service fee will not be charged and the contract will remain in force if the premium is paid in full within 30 days after the date of approval or denial of the claim for indemnity; *however,* if any premium remains unpaid after such date, the contract will terminate and the amount of premium outstanding shall be increased by a 9 percent service fee, which increased amount shall be the premium balance. If such premium balance is not paid within 12 months immediately following the termination date, 9 percent simple interest shall apply from the termination date and each year thereafter to any unpaid premium balance.

(e) Any unpaid amount due the Corporation may be deducted from any indemnity payable to the insured by the Corporation or from any loan or payment to the insured under any Act of Congress or program administered by the U.S. Department of Agriculture, when not prohibited by law.

6. *Insurance Period.* Insurance on insured acreage shall attach each crop year on November 21 and shall cease upon the earliest of (a) final adjustment of a loss, (b) harvest of the insured apples, (c) October 31 of the calendar year in which the apples are normally harvested, or (d) total destruction of the insured apple crop.

7. *Notice of Damage or Loss.* (a) Any notice of damage or loss shall be given promptly in writing by the insured to the Corporation at the office for the county when the insured damage to the apples becomes apparent giving the date(s) and cause(s) of such damage.

(b) If an indemnity is to be claimed on any unit, the insured shall give written notice thereof to the Corporation at the office for the country (1) at least fifteen days before harvest commences if a final adjustment has not been made on the unit, and (2) immediately if the damage occurs within the fifteen-day period before harvest commences, or during harvest.

(c) In addition to the notices required in subsection (a) and (b) of this section, if an indemnity is to be claimed on any unit, the insured shall give written notice thereof to the Corporation at the office for the county not later than *30 DAYS* after the earlier of (1) the date harvest is complete on the unit, (2) October 31 or (3) the date the entire apple crop on the unit is destroyed, as determined by the Corporation. The Corporation reserves the right to provide additional time if it determines there are extenuating circumstances.

(d) Any insured acreage upon which an indemnity is to be claimed shall be left intact until inspected by the Corporation.

(e) The Corporation may reject any claim for indemnity if any of the requirements of this section are not met.

8. *Claim for Indemnity.* (a) It shall be a condition precedent to the payment of any indemnity that the insured (1) establish the total production of apples on the unit and that any loss of production was directly caused by one or more of the insured causes during the insurance period for the crop year for which the indemnity is claimed and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(b) Indemnities shall be determined separately for each unit. The amount of indemnity for any unit shall be determined by (1) multiplying the insured acreage of apples on the unit by the applicable guarantee per acre, which product shall be the guarantee for the unit, (2) subtracting therefrom the total production of apples to be counted for the unit, (3) multiplying the remainder by the applicable price for computing indemnities, and (4) multiplying the result obtained in step (3) by the insured share: *Provided,* That if the premium computed on the insured acreage and share is more than the premium computed on the reported acreage and share, the amount of indemnity shall be computed on the insured acreage and share and then reduced proportionately.

(c) The total production to be counted for a unit shall be determined by the Corporation and shall include all harvested and appraised production: *Provided,* Production which, due to insurable causes, does not grade 80 percent Fancy or better, based on applicable State Standards will be counted as follows:

(1) Production with 21 percent thru 40 percent not grading Fancy or better will be reduced 2 percent for each percent in excess of 20. The difference between the reduced production and the total production will be considered cull production.

(2) Production with 41 percent thru 50 percent not grading Fancy or better will be reduced 40 percent plus an additional 3 percent for each percent in excess of 40. The difference between the reduced production and the total production will be considered cull production.

(3) Production with 51 thru 64 percent not grading Fancy or better will be reduced 70 percent plus an additional 2 percent for each percent in excess of 50. The difference between the reduced production and the total production will be considered cull production.

(i) Production with 65 percent or more not grading Fancy or better will be considered 100 percent cull production.

(ii) 30 percent of all cull production, as determined above shall also be counted as production.

(iii) In no event shall a reduction in grade be applied to any apple grading less than fancy due solely to shape or color.

(4) Appraised production to be counted shall include: (i) any appraisals by the Corporation for potential production, uninsured causes and poor farming practices, and (ii) not less than the production guarantee for any acreage which is abandoned or put to another use without prior written consent of the Corporation or damaged solely by an uninsured cause.

(5) The appraised potential production for acreage for which consent has been given to be put to another use shall be counted as production in determining the amount of loss under the contract. *However,* if consent is given to put acreage to another use and the Corporation determines that any such acreage (i) is not put to another use before harvest of applies becomes general in the county, (ii) is harvested, or (iii) is further damaged by an insured cause before the acreage is put to another use, the indemnity for the unit shall be determined without regard to such appraisal and consent.

9. *Misrepresentation and Fraud.* The Corporation may void the contract without affecting the insured's liability for premiums or waiving any right, including the right to collect any unpaid premiums if, at any time, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

10. *Transfer of Insured Share.* If the insured transfers any part of the insured share during the crop year, protection will continue to be provided according to the provisions of the contract to the transferee for such crop year on the transferred share, and the transferee shall have the same rights and responsibilities under the contract as the original insured for the current crop year. Any transfer shall be made on an approved form.

11. *Records and Access to Farm.* The insured shall keep or cause to be kept for two years after the time of loss, records of the harvesting, storage, shipments, sale or other disposition of all apples produced on each unit including separate records showing the same information for production from any uninsured acreage. Any persons designated by the Corporation shall have access to such records and the farm for purposes related to the contract.

12. *Life of Contract: Cancellation and Termination.* (a) The contract shall be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, either party may cancel the insurance for any crop year by giving a signed notice to the other on or before the cancellation date preceding such crop year.

(b) Except as provided in section 5(d) of this policy, the contract will terminate as to any crop year if any amount due the Corporation under this contract is not paid on or before the termination date for indebtedness preceding such crop year: *Provided,* That the date of payment for premium (1) if deducted from an indemnity claim shall be the date the insured signs such claim or (2) if deducted from payment under another program administered by the U.S. Department of Agriculture shall be the date such payment was approved.

(c) Following are the cancellation and termination dates:

State	Cancellation date	Termination date for indebtedness
All states	Sep. 30	Nov. 20

(d) In the absence of a notice from the insured to cancel, and subject to the

provisions of subsections (a), (b) and (c) of this section, and section 7 of the Appendix, the contract shall continue in force for each succeeding crop year.

Appendix

(Additional Terms and Conditions)

1. *Meaning of Terms.* For the purposes of Western U.S. apple crop insurance:

(a) "Actuarial table" means the forms and related material for the crop year approved by the Corporation which are on file for public inspection in the office for the county, and which show the production guarantees, coverage levels, percentage premium rates, prices for computing indemnities, insurable and uninsurable acreage, and related information regarding apple insurance in the county.

(b) "Contiguous land" means land which is touching at any point, except that land which is separated by only a public or private right-of-way shall be considered contiguous.

(c) "County" means the Western U.S. county shown on the application and any additional land located in a local producing are a bordering on the county, as shown on the actuarial table.

(d) "Crop year" means the period beginning with the date insurance attaches to the apple crop and extending through normal harvest time and shall be designated by the calendar year in which the apples are normally harvested.

(e) "Fruit-set failure" means failure of the apple trees to develop blossoms or set fruit due to adverse weather conditions, but shall not include poor pollination resulting from inadequate pollinizers in the orchard or failure to set fruit due to spray damage or other manageable causes.

(f) "Harvest" means the picking of marketable apples from the trees or from the ground.

(g) "Insurable acreage" means the land classified as insurable by the Corporation and shown as such on the county actuarial table.

(h) "Insured" means the person who submitted the application accepted by the Corporation.

(i) "Loose field box" means a standard container, accepted by the industry, containing a minimum of 35 pounds of apples.

(j) "Office for the county" means the Corporation's office serving the county shown on the application for insurance or such office as may be designated by the Corporation.

(k) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(l) "Share" means the interest of the insured as landlord, owner-operator, or tenant in the insured apple crop at the time insurance attaches as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, and no other share shall be deemed to be insured: *Provided,* That for the purpose of determining the amount of indemnity, the insured share shall not exceed the insured's share at the earliest of (1) the date of beginning of harvest on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire crop on the unit is destroyed, as determined by the Corporation.

(m) "Tenant" means a person who rents land from another person for a share of the apple crop or proceeds therefrom.

(n) "Unit" means all insurable acreage of apples in the county which is located on contiguous land, and, at the time insurance attaches for the crop year, (1) in which the insured has a 100 percent share, or (2) which is owned by one entity and operated by another entity on a share basis. Land rented for cash, a fixed commodity payment, or any consideration other than a share in the apple crop on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in the office for the county or by written agreement between the Corporation and the insured. The Corporation shall determine units as herein defined when adjusting a loss, notwithstanding what is shown on the acreage report, and has the right to consider any acreage and share reported by or for the insured's spouse or child or any member of the insured's household to be the bona fide share of the insured or any other person having the bona fide share.

(o) "Western U.S." means those states west of a line extending north-south along the eastern state boundaries of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas.

2. *Acreage Insured.* (a) The Corporation reserves the right to limit the insured acreage of apples to any acreage limitations established under any Act of Congress, provided the insured is so notified in writing prior to the time insurance attaches.

(b) If the insured does not submit an acreage report on or before November 20, the Corporation may elect to determine by units the insured acreage, share and number of trees, or declare the insured acreage on any unit(s) to be "zero". If the insured does not have a share in any insured acreage in the county for any year, the insured shall submit a report so indicating. Any acreage report submitted by the insured may be revised only upon approval of the Corporation.

3. *Annual Premium.* (a) If there is no break in the continuity of participation, any premium adjustment applicable under section 5 of the policy shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of death of the insured, (2) the contract of the person who succeeds the insured if such person had previously participated in the farming operation, or (3) the contract of the same insured who stops farming in one county and starts farming in another county.

(b) If there is a break in the continuity of participation, any reduction in premium earned under section 5 of the policy shall not thereafter apply; *however,* any previous unfavorable insurance experience shall be considered in premium computation following a break in continuity.

4. *Claim for and Payment of Indemnity.* (a) Any claim for indemity on a unit shall be submitted to the Corporation on a form prescribed by the Corporation.

(b) In determining the total production to be counted for each unit, production from units on which the production has been commingled will be allocated to such units in proportion to the liability on each unit.

(c) There shall be no abandonment to the Corporation of any insured apple acreage.

(d) In the event that any claim for indemnity under the provisions of the contract is denied by the Corporation, an action on such claim may be brought against the Corporation under the provisions of 7 U.S.C. 1508(c): *Provided,* That the same is brought within one year after the date notice of denial of the claim is mailed to and received by the insured.

(e) Any indemnity will be payable within 30 days after a claim for indemnity is approved by the Corporation. *However,* in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity whether such claim be approved or disapproved by the Corporation.

(f) If the insured is an individual who dies, disappears, or is judicially declared incompetent, or the insured is an entity other than an individual and such entity is dissolved after insurance attaches for any crop year, any indemnity will be paid to the person(s) the Corporation determines to be beneficially entitled thereto.

(g) The Corporation reserves the right to reject any claim for indemnity if any of the requirements of this section or section 8 of the policy are not met and the Corporation determines that the amount of loss cannot be satisfactorily determined.

5. *Subrogation.* The insured (including any assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment hereunder is made by the Corporation. The Corporation thereafter shall execute all papers required and take appropriate action as may be necessary to secure such rights.

6. *Termination of the Contract.* (a) The contract shall terminate if no premium is earned for five consecutive years.

(b) If the insured is an individual who dies or is judicially declared incompetent, or the insured entity is other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution; *however,* if such event occurs after insurance attaches for any crop year, the contract shall continue in force through such crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

7. *Coverage Level and Price Election.* (a) If the insured has not elected on the application a coverage level and price at which indemnities shall be computed from among those shown on the actuarial table, the coverage level and price election which shall be applicable under the contract, and which the insured shall be deemed to have elected, shall be as provided on the actuarial table for such purposes.

(b) The insured may, with the consent of the Corporation, change the coverage level

and/or price election for any crop year on or before the closing date for submitting applications for that crop year.

8. *Assignment of Indemnity.* Upon approval of a form prescribed by the Corporation, the insured may assign to another party the right to an indemnity for the crop year and such assignee shall have the right to submit the loss notices and forms as required by the contract.

9. *Contract Changes.* The Corporation reserves the right to change any terms and provisions of the contract from year to year. Any changes shall be mailed to the insured or placed on file and made available for public inspection in the office for the county at least 15 days prior to the cancellation date preceding the crop year for which the changes are to become effective, and such mailing or filing shall constitute notice to the insured. Acceptance of any changes will be conclusively presumed in the absence of any notice from the insured to cancel the contract as provided in section 12 of the policy.

Note.—The reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942 and OMB Circular A–40.

This action will not have a significant impact specifically on area or community development; therefore, review as required by OMB Circular A–95 is inapplicable.

Approved by the Board of Directors on July 14, 1980.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Everett S. Sharp,

Acting Manager.

Dated: July 25, 1980.

[FR Doc. 80–23355 Filed 8–1–80; 8:45 am]

BILLING CODE 3410–08–M

Commodity Credit Corporation

7 CFR Part 1464

Tobacco Loan Program; Proposed Price Support for Baled Burley Tobacco

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed Rule.

SUMMARY: The Commodity Credit Corporation is considering extending into the 1980 crop year price support availability on limited quantities of untied burley tobacco. This continuation of price support availability is being proposed in furtherance of a study which is being conducted to determine whether marketing burley tobacco untied in bales would reduce market preparation costs. Interested parties are invited to submit written views and recommendations on this proposal.

DATES: Comments must be received by August 22, 1980.

ADDRESS: Send comments to the Director, Price Support and Loan Division, ASCS, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Robert L. Tarczy, Program Specialist, Price Support and Loan Division, ASCS, Room 3754 South Building, P.O. Box 2415, Washington, D.C. 20013, (202) 447–6733. The draft impact analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available on request from the above named individual.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA procedures established to implement Executive Order 12044 and has been classified "not significant." In compliance with Secretary's Memorandum No. 1955 and "Improving USDA Regulations" (43 FR 50988), initiation of review of the regulations contained in 7 CFR 1464.2 and 1464.7 for need, currency, clarity and effectiveness, will be made within the next five years.

Jerome F. Sitter has determined that an emergency situation exists which warrants less than a 60-day comment period on this proposed action because producers need to know as soon as possible whether price support will be available on a limited amount of baled tobacco for the 1980 crop so that they can make plans on how they wish to market their tobacco.

The title and number of the Federal Assistance Program that this Proposed Rule applies to is:

1. Title—Commodity Loans and Purchases.

2. Number—10.051.

This action will not have a significant impact specifically on area and community development. Therefore, review as established by OMB Circular A–95 was not used to assure that units to assure that units of local Government are informed of this action.

Burley tobacco has traditionally been marketed tied in hands of about 20 leaves. Before 1978, burely tobacco was required to be marketed tied in hands as a condition for price support. Because the present marketing system is structured to handle tobacco prepared in this manner, changes in marketing and processing procedures and techniques may be necessary to accommodate the handling of tobacco in a different manner. The process of tying the tobacco in hands is time-consuming and, therefore, costly to producers.

Since 1973, an industry group has been conducting an experiment to determine whether marketing untied burely tobacco would reduce market preparation costs. During the 1978 and 1979 crop years the experiment was expanded by permitting a small percentage of the total crop for these years to be eligible for price support. This allowed the Department of Agriculture in conjunction with the land-grant universities in Kentucky and Tennessee to also research the experiment.

Reports containing the results of this research have been published. However, their findings are inconclusive. Only 1.6 percent (10.6 million pounds) of the 1978 crop and 5.4 percent (25.2 million pounds) of the 1979 crop were marketed in bales.

Because more information is needed with respect to the acceptability of tobacco marketed in bales, it is proposed that the experiment continue into the 1980 crop of burley tobacco in the same manner as the 1979 crop. The major objectives are as follows: (1) A quantity of tobacco sufficient to allow evaluation of the effects on the various marketing and processing procedures could be marketed in bales with price support within the traditional marketing system; (2) all burley tobacco producers who desire to do so could participate equitably in the marketing of the limited quantity of tobacco that could be marketed in bales with price support; (3) the time of marketing in bales with price support would be spaced throughout the marketing season so as to afford maximum opportunity for warehousemen and buyers to make any necessary modification to their usual procedures and thus minimize any disruption to the marketing of burley tobacco tied in hands in the traditional manner; (4) because it is inherently difficult, if not impossible, to ascertain the quality and condition of all the tobacco in a bale or bales at the time of purchase or consignment for price support at the warehouse, proper certification as to certain characteristics of the bales would be a condition of price support eligibility for producers whose baled tobacco is consigned for price support. Accordingly, it is proposed that Commodity Credit Corporation make price support available on untied 1980-crop burley tobacco packed in bales and that 7 CFR Part 1464 be amended by revising § 1464.2(b)(5) and in § 1464.7 by deleting the designation "(a)"; redesignating paragraphs (1)–(4) as (a)–(d); in redesignated paragraph (b) amending (i) and (ii) to read (1) and (2) and revising paragraph (d) to read as set forth below:

Proposed Rule

§ 1464.2 Availability of price support.

* * * * *

(b) * * *

(5) For 1980-crop burley tobacco, eligible producers may obtain price support on tied and untied burley tobacco packed in bales and offered for auction sale, subject to the following conditions:

(i) Applications for price support on baled tobacco will be limited to a period from September 2 through October 10, 1980. A producer who desires to market part of his/her burley tobacco in bales may request price support on such tobacco by filing an application with the local county ASC committee. At the time of filing the application for price support on baled tobacco, the producer shall certify that all bales delivered for price support will meet the following specifications and conditions:

(A) The quality and condition of the tobacco contained in each bale offered for marketing as a single lot will be representative of the quality and condition of the tobacco contained in all other bales of the same lot.

(B) The tobacco in each bale will be stalk-cured.

(C) The bales will not contain foreign matter.

(D) The bales will not be nested.

(E) Any and all procedures and certifications which are normally required by law or regulation pertaining to burley production and marketing will be met.

(F) The applicable eligibility requirements for price support will also be met.

(ii) Limitation on quantity of tobacco which may be marketed in bales with price support: The maximum quantity of burley tobacco produced on a farm which a producer may market in bales with price support shall be 110 percent of the quantity approved for the farm by the county ASC committee. A producer may make application for price support on any quantity of tobacco not in excess of the effective farm poundage quota. Approval of the quantity for price support shall be determined as follows:

(A) If the effective farm poundage quota is 1,500 pounds or less, the entire amount of tobacco specified in the application shall be approved.

(B) If the effective farm poundage quota is more than 1,500 pounds, the amount approved shall be the larger of 1,500 pounds or 20 percent of the effective farm poundage quota but not to exceed the quantity requested.

(C) If the total quantity approved for a State is less than 20 percent of the State's effective farm poundage quota, the quantity approved for any farm may be increased by the quantity requested provided the total of all requests does not exceed 20 percent of the State's effective farm poundage quota. If the total quantity requested exceeds 20 percent of the State's effective poundage quota, subtract the quantity initially approved for all farms in the State from the total quantity requested for all farms in the State and the result divided by the difference between 20 percent of the State's effective quota and the total quantity originally requested to obtain a four place proration factor. This factor shall be multiplied by the difference between the quantity requested for each farm and the quantity originally approved to determine the additional quantity to be approved for each farm.

(iii) Price support will be available on baled tobacco at auction sales during the same period that price support is offered on burley tobacco tied in hands in the traditional manner.

(iv) Identification cards for tobacco approved for marketing in bales with price support: A Baled Burley Tobacco Identification Card showing 110 percent of the pounds of baled tobacco approved for marketing with price support shall be issued for each farm for which approval is given. The identification card together with the 1980 burley tobacco marketing card shall be used to identify any baled tobacco for which price support is desired. Each bale in the lot shall be properly identified by a card, tag, or other identification attached thereto, showing the basket number and sales bill number. Separate sale bills marked "Baled Burley" shall be prepared by the warehouse to identify sales of baled burley tobacco. In addition the warehouse shall mark "No Price Support" on the basket ticket and on a sale bill for any baled tobacco not identified by an identification card. A separate basket ticket and sale bill marked "No Price Support" shall be prepared for that quantity of baled tobacco weighed in that is in excess of the balance of the pounds shown on the identification card.

(v) Specification of bales:

(A) Bales accepted for price support must be approximately 1x2x3 feet in size.

(B) The leaves in bales accepted for price support must be untied and oriented.

(vi) Grade loan rates for tobacco delivered for price support: The grade loan rates for baled burley tobacco will be the same as the grade loan rates to be established for 1980-crop burley tobacco tied in hands.

*

§ 1464.7 Eligible producers.

* * * * *

(d) The producer has complied with any certification he/she may have executed with respect to any baled 1980-crop burley tobacco delivered for price support.

Prior to making any determinations, CCC will give consideration to comments, views and recommendations submitted in writing to the Director, Price Support and Loan Division.

All written submissions will be made available for public inspection from 8:15 a.m. to 4:45 p.m., Monday through Friday in Room 3741-South Building, USDA, 14th and Independence Avenue S.W., Washington, D.C. 20013.

Signed at Washington, D.C. on July 30, 1980.

John W. Goodwin,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 80-23340 Filed 8-1-80; 8:45 am]

BILLING CODE 3410-05-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 214

Petitions for Aliens Accompanying Nonimmigrant Aliens of Distinguished Merit and Ability

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Proposed rule.

SUMMARY: The Service proposes to amend 8 CFR 214.2(h)(2)(v) by establishing stricter requirements for those aliens seeking to enter the United States for the purpose of accompanying nonimmigrant entertainers. Under the regulations as proposed, petitioners must establish that the accompanying aliens possess such unique qualities or experience that they are essential to successful performance by the entertainer. This amendment is needed and intended to ensure that the aliens admitted as H-1 nonimmigrant accompanying aliens are absolutely essential for the successful performance of the beneficiary.

DATES: Representations must be received on or before October 3, 1980.

ADDRESSES: Please submit written representations, in duplicate, to the Commissioner of Immigration and Naturalization, Room 7100, 425 Eye Street, NW., Washington, D.C. 20536.

FOR FURTHER INFORMATION CONTACT:

For General Information—Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, D.C. 20536. Telephone: (202) 633–3048.

For Specific Information—R. E. Coughlon, Immigration Examiner, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, D.C. 20536. Telephone: (202) 633–3940.

SUPPLEMENTARY INFORMATION: Section 101(a)(15)(H)(i) of the Immigration and Nationality Act provides for the temporary admission of nonimmigrant aliens of distinguished merit and ability who are coming to the United States to perform services of an exceptional nature requiring such merit and ability. This section of the Act has been interpreted by regulation to include entertainers who meet the criteria as outlined in 8 CFR 214.2(h)(2)(ii).

Existing 8 CFR 214.2(h)(2)(v) provides that managers, trainers, musical accompanists and other persons determined by the district director to be necessary for successful performance by the entertainer H–1 beneficiary may also be accorded H–1 classification as accompanying aliens.

This action proposes to amend 8 CFR 214.2(h)(2)(v) to provide that the accompanying aliens be *essential* to successful performance by the entertainer beneficiary. The proposal will further amend the regulation to provide that in order for an accompanying alien to be classified as an H–1 nonimmigrant, the petitioner must establish that the accompanying alien possesses such unique qualities or experience as to render the successful performance dependent on their participation.

This proposed amendment is necessary and intended to ensure that only those aliens whose participation is absolutely necessary for the success of the performance of the beneficiary are admitted into the United States as H–1 nonimmigrant accompanying aliens. Those aliens who do not so qualify should apply for classification as H–2 nonimmigrants with the appropriate labor certification.

Accordingly, the following amendments are hereby proposed to Chapter I of Title 8 of the Code of Federal Regulations.

PART 214—NONIMMIGRANT CLASSES

In Part 214, it is proposed to amend 8 CFR 214.2(h)(2)(v) by revising the first sentence and adding a new second sentence to read as follows:

§ 214.2 Special requirements for admission, extension and maintenance of status.

* * * * *

(h) *Temporary employees.* * * *

(2) *Petition for alien of distinguished merit and ability.* * * *

(v) *Accompanying aliens.* Managers, trainers, musical accompanists, and other persons determined by the district director to be essential for successful performance by the beneficiary of a petition approved for classification under section 101(a)(15)(H)(i) of the Act may also be accorded such classification if included in the same or a separate petition. The petitioner must establish that accompanying aliens possess such unique qualities or experience as to render the successful performance dependent upon their participation.

* * * * *

(Sec. 103, 214; (8 U.S.C. 1103, 1184))

Public Comment Invited

Interested members of the public are invited to submit written data, views and arguments concerning this proposed rule to the Commissioner of Immigration and Naturalization pursuant to 5 U.S.C. 553. Materials should be submitted in writing, in duplicate on or before October 3, 1980. Any relevant written material received on or before that date will be fully considered before final action is taken on the proposed rule.

Dated: July 30, 1980.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 80-23302 Filed 8-1-80; 8:45 am]

BILLING CODE 4110-10-M

DEPARTMENT OF ENERGY

Office of Leasing Policy Development

10 CFR Part 378

Leasing; Cancellation of Regional Hearings on Proposed Rulemaking Regarding Bidding Systems for Coal Leasing

AGENCY: Department of Energy.

ACTION: Cancellation of regional hearings in Denver, Colorado, on August 5, 1980, and in Washington, D.C. on August 7, 1980.

SUMMARY: On July 1, 1980, the Department of Energy issued a Notice of Proposed Rulemaking in the **Federal Register** entitled "Bidding Systems for Coal Leasing: Proposed Rulemaking and Public Hearing" (45 F.R. 46741, July 10, 1980). Public hearings were scheduled in Denver on August 5, 1980, and in Washington, D.C. on August 7, 1980. Requests to speak at these hearings were due by July 28, 1980, for the Denver hearing and by July 31, 1980, for the Washington hearing. Notice is hereby given that both the Denver and Washington hearings are cancelled due to insufficient public response.

Issued in Washington, D.C. on July 31, 1980.

R. D. Langenkamp,

Acting Assistant Secretary, Resource Applications.

[FR Doc. 80-23551 Filed 8-1-80; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL RESERVE SYSTEM

12 CFR Ch. II

Semiananual Agenda of Regulations

AGENCY: Board of Govenors of the Federal Reserve System.

ACTION: Semiannual agenda.

SUMMARY: Pursuant to the Board's Statement of Policy Regarding Expanded Rulemaking Procedures, the Board anticipates having under consideration regulatory matters as indicated below during the period from August 1, 1980, through February 1, 1981.

DATE: Comments may be received any time during the next six months.

ADDRESS: Comments should be addressed to Theodore E. Allison, Secretary of the Board, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

FOR FURTHER INFORMATION CONTACT:

(A staff contact for each item is indicated with the regulatory description below.)

SUPPLEMENTARY INFORMATION: The Board's Semiannual Agenda is divided into three sections. Section I reports those regulatory matters from the Board's last Semiannual Agenda (February 4, 1980 through August 1, 1980) on which final action has been taken; Section II reports on regulatory matters that have been proposed, and will involve further Board consideration; and Section III reports regulatory matters the Board may consider during the next six months. A double asterisk in Sections II and III indicates those matters listed on the Board's previous Semiannual Agenda.

I. REGULATORY MATTERS FROM THE FEBRUARY 4 THROUGH AUGUST 1, 1980 SEMIANNUAL AGENDA ON WHICH FINAL ACTION HAS BEEN TAKEN

A. Regulatory Actions Resulting From Recent Legislation, or From Regulatory Decisions of Other Federal Agencies

1. Regulation: D (Reserves of Member Banks) Q (Interest on Deposits)

Action Taken: In March 1980, the Board, pursuant to provisions of the International Banking Act (IBA), approved amendments to Regulations D and Q to make United States branches and agencies of foreign banks subject to reserve requirements and interest rate ceilings currently applicable to member banks (45 FR 19216, March 25, 1980). The Board's action to implement the provisions of IBA will facilitate the conduct of monetary policy and will promote fair competition by treating branches and agencies like member banks to the fullest extent possible.

Authority: International Banking Act, 12 U.S.C. 3105.

Staff Contact: Edward C. Ettin, Deputy Staff Director, Office of Staff Director for Monetary and Financial Policy (202–452–3762).

2. Regulation: L (Management Official Interlocks)

Action Taken: In April 1980, the Board and the other Federal agencies supervising federally insured depository institutions adopted proposed amendments to regulations under the Depository Institutions Management Interlocks Act that prohibit certain management official interlocks between depository organizations (45 FR 24384, April 9, 1980). The amendments adopted revisions that were proposed in July, 1979 that defined the term "representative or nominee" under the Act, included corporations in the definition of "person" under the Act but excluded them from the definition of "representative or nominee," and added provisions regarding grandfather rights and changes in circumstances that would defeat such rights. The amendments did not include a provision that would have terminated the grandfather rights of a management official of a bank who becomes a management official of a one bank holding company that acquires the bank. In addition, the amendments added a provision that allows organizations experiencing the loss of half or more of their directors or management officials due to the prohibitions of the Act up to 30 months to come into compliance with the Act.

Authority: Depository Institutions Management Interlocks Act, 12 U.S.C. 3207.

Staff Contact: Bronwen Mason, Senior Attorney, Legal Division (202–452–3564); Melanie Fein, Attorney, Legal Division (202–452–3594).

3. Regulation: O (Loans to Executive Officers of Member Banks)

Action Taken: In February 1979, the Board adopted regulations to implement certain additional requirements imposed on loans by member banks to certain persons under the Finanical Institutions Regulatory and Interest Rate Control Act of 1978 ("FIRA") (44 12959, March 9, 1979). The additional requirements relate to loans by a member bank to executive officers, directors and principal shareholders of the member bank and of its holding company affiliates. At the same time the Board invited public comment on the final regulation. In view of legislative proposals recently submitted to the Congress by the Federal Financial Institutions Examination Council to amend FIRA, further regulatory action by the Board is suspended.

Authority: Section 22(h) of the Federal Reserve Act, 12 U.S.C. 375b.

Staff Contact: James V. Mattingly, Assistant General Counsel, Legal Division (202–452–3430).

4. Regulation: T (Credit by Brokers and Dealers)

Action Taken: In June 1980, the Board adopted an amendment to Regulation T to permit option specialists in certain circumstances to purchase or sell short stock underlying the options in which they specialize, with a 25 percent margin requirement (45 FR 40967, June 17, 1980).

Authority: Securities Exchange Act of 1934, 15 U.S.C. 78g and w.

Staff Contact: Laura Homer, Chief Attorney; Patsy Abelle, Senior Attorney, Securities Regulations Section, Division of Banking Supervision and Regulation, (202–452–2781).

B. Actions Intended To Reduce Regulatory Burden or To Clarify Existing Regulations

1. Regulation: Q (Interest on Deposits)

Action Taken: In response to a request from the public, the Board has considered whether to amend Regulation Q (and Regulation D, Reserves of Member Banks) to increase the amount that business organizations may maintain in savings accounts at member banks from the present ceiling of $150,000. In considering this request, the Board determined that a change in the present ceiling is inappropriate at this time in view of the changes to reserve requirements enacted by the Monetary Control Act of 1980.

Authority: Federal Reserve Act, 12 U.S.C. 461 (a) and (b) and 371b.

Staff Contact: Gilbert T. Schwartz, Assistant General Counsel, Legal Division (202–452–3625).

2. Regulation: T (Credit by Brokers and Dealers)

Action Taken: In March 1980, in response to requests from the New York Stock Exchange and the National Association of Securities Dealers, Inc. the Board adopted an amendment to Regulation T which (1) changed the time period within which deposits must be made in the margin accounts from five to seven business days; (2) allowed a self-regulatory organization (a securities exchange or association) to approve extension of time requests for payment received from any broker-dealer; (3) permitted the postmark date to serve as evidence of timely filing of a request for an extension of time by certain broker-dealers; and (4) increased the *deminimus* amount which triggers regulatory action in both the margin and special cash account from $100 to $500 (45 FR 15920, March 12, 1980).

In connection with the adoption of these amendments, the Board indicated it would accept comments on the changes through April 30, 1980. The generally favorable comments received were reviewed and, as no changes were deemed necessary, the amendment became effective on June 2, 1980.

Authority: Securities Exchange Act of 1934, 15 U.S.C. 78g and w.

Staff Contact: Patsy Abelle, Senior Attorney, Securities Regulation Section, Division of Banking Supervision and Regulation, (202–452–2781).

C. Other Regulatory Activity

1. Regulation: H (Membership of State Banking Institutions in the Federal Reserve System)

Action Taken: In April 1977, the Board issued for public comment a proposal to amend Regulation H to prohibit State member banks from purchasing loans on improved real estate or mobile homes located in flood hazard areas if the property is not covered by flood insurance (42 FR 20815, April 22, 1977). This proposal was issued under the Flood Disaster Protection Act, as amended, which presently requires flood insurance on improved real estate that secures a loan if the property is located in a flood hazard area of a community that participates in the National Flood Insurance Program. The proposal will be withdrawn in view of proposed legislation by the Federal Emergency

Management Agency to amend the Flood Disaster Protection Act of 1973.

Authority: Flood Disaster Protection Act, 42 U.S.C. 4012a(b) and 4128.

Staff Contact: Daniel L. Rhoads, Attorney, Legal Division, (202–452–3711)

2. Regulation: Q (Interest on Deposits)

Anticipated Action: The Board has statutory authority to prohibit unfair or deceptive acts or practices engaged in by banks. Recently, the Board's staff has reviewed practices of banks that may be regarded as unfair or deceptive, including the failure to make adequate disclosure of account terms to depositors. While no formal rulemaking is contemplated at this time, the Board has instructed the staff to continue monitoring banking practices.

Authority: Federal Reserve Act, 12 U.S.C. 371b. Federal Trade Commission Act, 15 U.S.C. 41 *et seq.*

Staff Contact: Anthony F. Cole, Senior Attorney, Legal Division, (202–452–3612); Dolores S. Smith, Section Chief, Division of Consumer and Community Affairs, (202–452–2412).

II. REGULATORY MATTERS THAT HAVE BEEN PROPOSED AND WILL INVOLVE FURTHER BOARD CONSIDERATION

A. Regulatory Actions Resulting From Recent Legislation, or From Regulatory Decisions of Other Federal Agencies

1. Regulation: A (Extensions of Credit by Federal Reserve Banks)

Action Taken: The Monetary Control Act of 1980 provides that any depository institution that holds transaction accounts or nonpersonal time deposits that are subject to Federal Reserve requirements shall have access to the Federal Reserve discount and borrowing facilities on the same basis as banks that are members of the Federal Reserve System. In June 1980, in order to implement this provision, the Board issued for public comment proposals to revise its rules relating to the provision of Federal Reserve credit presently contained in Regulation A (45 FR 40130, June 13, 1980). Under the proposed regulation, Federal Reserve credit would be available under two basic programs—regular adjustment credit and extended credit which would include seasonal credit and special credit for institutions facing particular problems. The Board will review the comments received on the proposal and is expected to take final action during August 1980.

Authority: Sections 10(a), 10(b), 13, 13a, 19 of the Federal Reserve Act, 12 U.S.C. Sections 347a, 347b, 343–347, 347c, 347d, 348–352, 374, 374(a), as amended by the Monetary Control Act of 1980 (Title I of Pub. L. 96–221; 94 Stat. 132).

Staff Contact: Gilbert T. Schwartz, Assistant General Counsel, Legal Division, (202–452–3625); John Spitzer, senior Economist, Division of Research and Statistics, (202–452–2587).

2. Regulation: D (Reserves of Member Banks)

Action Taken: The Monetary Control Act of 1980 Imposes Federal Reserve requirements on all depository institutions that maintain transaction accounts or nonpersonal time deposits. In June 1980, in order to implement the reserve requirement provisions of the Act, the Board issued for public comment proposals to revise its reserve requirement rules contained in Regulation D to apply the new reserve requirements to member and nonmember commercial banks, savings banks, savings and loan associations, credit unions, Edge Act and Agreement Corporations, and United States branches and agencies of foreign banks that offer transaction accounts or nonpersonal time deposits (45 FR 38388, June 9, 1980).

Authority: Section 19 of the Federal Reserve Act, 12 U.S.C. section 461 *et. seq.*, as amended by the Monetary Control Act of 1980 (Title I of Pub. L. 96–221; 94 Stat. 132) and section 7 of the International Banking Act of 1978, 12 U.S.C. section 3105.

Staff Contact: Gilbert T. Schwartz, Assistant General Counsel, Legal Division, (202–452–3625); Paul S. Pilecki, Attorney, Legal Division, (202–452–3281); Thomas D. Simpson, Senior Economist, Division of Research and Statistics, (202–452–3361).

****3. Regulation: F (Securities of Member State Banks)**

Action Taken: In December 1979, the Board issued for public comment proposed amendments to certain portions of Regulation F concerning form and content of financial statements included in registration statements, annual reports and other periodic reports (44 FR 76551, December 27, 1979). These changes are required, in part, to make the Board's Regulation F substantially similar to regulations of the Securities and Exchange Commission. Concurrently, the proposed incorporation by reference of instructions for the preparation of supervisory financial reports is an undertaking to reduce the reporting burden of registrant banks. The Board will review the comments received on the draft amendments and is expected to take final action on the proposal during the next six months.

Authority: Securities Exchange Act of 1934, 15 U.S.C. 78(i).

Staff Contact: Thomas A. Sidman, Assistant Director, Division of Banking Supervision and Regulation, (202–452–3503); Richard M. Whiting, senior Attorney, Legal Division, (202–452–3779).

**** 4. Regulation: K (International Banking Operations)**

Action Taken: In May 1980, the Board issued for public comment proposed amendments to Regulations K and Y (Bank Holding Companies and Change in Bank Control) dealing with the permissible nonbanking activities of foreign organizations that own or control U.S. banks and foreign banks that operate branches, agencies or commercial lending companies in the U.S. (45 FR 30082, May 7, 1980). The proposed rules would require that, in order to qualify for certain nonbanking exceptions, a foreign institution must be principally engaged in the business of banking outside the U.S. The proposals would also clarify what nonbanking activities may be conducted in the U.S. under exemptions provided by sections 2(h) and 4(c)(9) of the Bank Holding Company Act. The Board will review the comments and is expected to take action within the next six months.

Authority: Bank Holding Company Act, 12 U.S.C. 1844. International Banking Act of 1978, 12 U.S.C. 3108.

Staff Contact: C. Keefe Hurley, Jr., Senior Counsel, Legal Division, (202–452–3269).

**** 5. Regulation: Y (Bank Holding Companies and Change in Bank Control)**

Action Taken: In February 1979, the Board adopted regulations to implement the Change in Bank Control Act, under which any person seeking to acquire control of any insured bank or bank holding company must provide 60 days' prior written notice to the appropriate Federal banking agency. At the same time the Board invited public comment on the final regulations (44 FR 7229, February 6, 1979); following review of the comments received, the Board will determine whether further action should be taken.

Authority: Change in Bank Control Act of 1978, 12 U.S.C. 1817(j).

Staff Contact: James McAfee, Senior Counsel, Legal Division, (202–452–3707); Jack M. Egertson, Assistant Director, Division of Banking Supervision and Regulation, (202–452–3408).

6. Regulation: Z (Truth in Lending)

Action Taken: In May 1980, the Board issued for public comment proposed revisions to the regulation to simplify requirements for disclosure of consumer credit cost information, to provide

model disclosure forms, and to incorporate many Board and staff interpretations issued over the past twelve years (45 FR 29702, May 5, 1980). This action was taken in view of the passage of the Truth in Lending Simplification and Reform Act, which requires implementating regulations to be in place no later than April 1, 1981. The Board will review the comments received on the proposals and is expected to take further action within the next six months.

Authority: Title VI of the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. 96–221).

Staff Contact: Maureen P. English, Section Chief; Ellen Maland, Section Chief, Division of Consumer and Community Affairs, (202–452–3867).

**** 7. Regulation: Proposal to be made part of the new Board regulations governing international banking operations (Regulation K, International Banking Operations)**

Action Taken: Under the International Banking Act (IBA), the Board in November 1979 issued for public comment proposals relating to the selection of a "home State" by foreign banks with U.S. offices (44 FR 62903, November 1, 1979). The IBA provides for the determination of a foreign bank's "home State."

Criteria for determining a foreign bank's home State and procedures for changing the home State once it is determined require Board regulations. The Board will review the comments received on the draft proposals and is expected to take final action within the next six months.

Authority: International Banking Act of 1978, 12 U.S.C. 3101. Bank Holding Company Act, 12 U.S.C. 1844.

Staff Contact: C. Keefe Hurley, Jr., Senior Counsel, Legal Division, (202–452–3269).

B. Actions Intended to Reduce Regulatory Burden or to Clarify Existing Regulations

**** 1. Regulation: B (Equal Credit Opportunity)**

Action Taken: In April 1979, the Board, in response to requests for clarification, requested public comment on how the specific rules of Regulation B should apply to various credit scoring practices (44 FR 23365, April 23, 1979). The Board will determine whether to publish a revised proposal for comment in August 1980 and is expected to take final action by the end of the year.

Authority: Section 703(a) of the Equal Credit Opportunity Act, 15 U.S.C. 1691b(a).

Staff Contact: Stanley D. Mabbitt, Staff Attorney, Division of Consumer and Community Affairs. (202–452–3867).

****2. Regulation: B (Equal Credit Opportunity)**

Action Taken: In October 1978 the Board proposed for comment several amendments to the regulation. In April of 1979 one of the proposals was adopted (44 FR 23813, April 23, 1979). The amendment clarified that persons who regularly refer consumers to creditors were subject to the general proscriptions against discrimination but were not subject to the mechanical and recordkeeping provisions of the regulation. Three proposals have yet to be acted upon. These proposals would extend recordkeeping and adverse action notification requirements to business loans of under $100,000. Inquiries as to marital status of applicants would be prohibited in all business credit applications. It is expected that these matters will be considered by the Board during the next six months.

Authority: Equal Credit Opportunity Act, 15 U.S.C. 1691b.

Staff Contact: Dolores S. Smith, Section Chief, Division of Consumer and Community Affairs, (202–452–2412).

****3. Regulation: T (Credit by Brokers and Dealers)**

Action Taken: In August 1979, the Board issued for public comment a proposed amendment to Regulation T to permit brokers and dealers to extend credit on fully paid for shares of open-end investment companies that are registered under the Investment Company Act of 1940. The amendment would remove the competitive disadvantages placed upon brokers and dealers as compared to banks and other lenders (44 FR 47776, August 15, 1979). Because of the restrictions contained in section 11(d)(1) of the Securities Exchange Act of 1934 a broker or dealer would not be permitted to extend credit on the initial purchase of such shares. The Board reviewed the comments received on the draft amendment in March, 1980 but deferred final action because of general credit conditions in the country.

Authority: Securities Exchange Act of 1934, 15 U.S.C. 78g and w.

Staff Contact: Laura Homer, Chief Attorney; Patsy Abelle, Senior Attorney, Securities Regulation Section, Division of Banking Supervision and Regulation, (202–452–2781).

****4. Regulation: Y (Bank Holding Companies and Change in Bank Control)**

Action Taken: Following a review of its policies toward foreign bank holding companies, in April 1979 the Board issued for public comment a change in the definition of "foreign bank holding company" for purposes of section 4(c)(9) of the Bank Holding Company Act and § 225.4(g) of Regulation Y (44 FR 24864, April 27, 1979). This matter has recently been included in the Board's proposal for public comment regarding nonbanking activities of foreign bank holding companies and foreign banks (45 FR 30082, May 7, 1980).

Authority: Bank Holding Company Act, 12 U.S.C. 1844, International Banking Act of 1978, U.S.C. 3106.

Staff Contact: C. Keefe Hurley, Jr., Senior Counsel, Legal Division, (202–452–3269).

****5. Regulation: Z (Truth in Lending)**

Action Taken: In August 1978, the Board issued for public comment a proposed interpretation of Regulation Z regarding an interest reduction on a time deposit used to secure a loan (43 FR 38849, August 31, 1978). Under Regulation Q, Interest on Deposits, the interest rate on a loan secured by a deposit must be at least 1 percent above the interest rate paid on the deposit. Where a state usury ceiling makes it necessary for a creditor to lower the interest on the deposit in order to maintain the rate differential required by Regulation Q, the proposed interpretation would require disclosure of the reduction, but would not require the amount to be included as part of the "finance charge." the Board will consider this matter in conjunction with proposed revisions of Regulation Z now under way pursuant to the Truth in Lending Simplification and Reform Act. (See 45 FR 29702, May 5, 1980.) Final action is expected during the next six to eight months.

Authority: Truth in Lending Act, 15 U.S.C. 1604.

Staff Contact: Dolores S. Smith, Section Chief, Division of Consumer and Community Affairs, (202–452–2412).

C. Other Regulatory Activity

1. Regulation: B (Equal Credit Opportunity)

Action Taken: In July 1978, the five Federal financial regulatory agencies—Comptroller of the Currency, Federal Deposit Insurance Corporation, Federal Home Loan Bank Board, National Credit Union Administration, and the Federal Reserve Board—issued for public comment proposed uniform guidelines for enforcement of the Equal Credit Opportunity and Fair Housing Acts (43 FR 29256, July 6, 1978). The guidelines specify the kind of corrective action a creditor will be required to take for violations of the more substantive provisions of the Equal Credit Opportunity Act (Regulation B) and the Fair Housing Act. Based on the comments received, the agencies are reviewing a revised draft and further

action is expected within the next six months.

Authority: Equal Credit Opportunity Act, 15 U.S.C. 1691, *et seq.* Federal Deposit Insurance Act, 12 U.S.C. 1818(b).

Staff Contact: Jerauld C. Kluckman, Associate Director, Division of Consumer and Community Affairs, (202–452–3401).

**** 2. Regulation: J (Collection of Checks and Other Items and Transfers of Funds)**

Action Taken: In November 1979, the Board issued for public comment a proposed Subpart C to Regulation J. The purpose of proposed Subpart C is to set forth a system of rights and responsibilities governing the receipt and use of Federal Reserve electronic clearing and settlement services through automated clearing houses. At the present time individual agreements are in place with each of the 36 automated clearing house associations for which the Federal Reserve provides clearing and settlement services. This proposal is needed in view of the continuing increase in the volume of ACH transactions and the benefits that would be derived from the establishment of a uniform set of rules and responsibilities applicable to all participants in Federal Reserve ACH operations. Staff is reviewing the comments received in light of the provisions of the recently enacted Depository institutions Deregulation and Monetary Control Act of 1980. The Board will consider the comments and is expected to take final action early in 1981.

Authority: Federal Reserve Act, 12 U.S.C. 248(i)(j) and (o), 342 and 360.

Staff Contact: Lee S. Adams, Senior Attorney, Legal Division, (202–452–3623).

**** 3. Regulation: J (Collection of Checks and Other Items and Transfers of Funds)**

Action Taken: In April 1979, the Board requested public comment on the handling by Federal Reserve Banks of payment instruments that are not payable on demand (44 FR 24929, April 27, 1979). In view of the passage of the Depository Institutions Deregulation and Monetary Control Act of 1980, which provides nationwide NOW account authority beginning January 1, 1981, it is expected that at that time the Board will determine if it is appropriate to take further action on this matter.

Authority: Federal Reserve Act, 12 U.S.C. 248(i), 248(o), 342 and 360.

Staff contact: Lee S. Adams, Senior Attorney, Legal Division, (202–452–3623).

4. Regulation: K (International Banking Operations)

Action taken: In April 1980, the Board in response to inquiries from banking organizations issued for public comment a proposal concerning certain additional investments that a banking organization may make in a foreign organization without prior Board consent (45 FR 30081, May 7, 1980). The proposal clarifies certain rights of accumulation under the general consent provision and limits the amount that may be invested in one organization to 10 percent of the investing organization's capital and surplus. The Board will review the comments received on the proposal and is expected to take action within the next six months.

Authority: Federal Reserve Act, 12 U.S.C. 601, 615. Bank Holding Company Act, 12 U.S.C. Section 1843(c)(13).

Staff Contact: Michael L. Kadish, Attorney, Legal Division, (202–452–3428).

5. Regulation: Y (Bank Holding Companies and Change in Bank Control)

Action Taken: In June 1980, in response to a request by a bank holding company, the Board issued for public comment a proposal to add a new nonbanking activity to the list of those permissible for bank holding companies (45 FR 44963, July 2, 1980). The proposed activity is that of performing appraisals of any type of real estate other than single-family residences. The Board also requested comments on whether certain real estate-related advisory services provided to State and local governments, are closely related to banking. The Board will review the comments received on the proposal and is expected to take final action within the next six months.

Authority: Bank Holding Company Act, 12 U.S.C. 1843(c)(8).

Staff Contact: Michael E. Bleier, Senior Counsel, Legal Division, (202–452–3721).

**** 6. Regulation: Y (Bank Holding Companies and Change in Bank Control)**

Action Taken: In March 1978 the Board issued for public comment a proposal to amend its Regulation Y relating to permissible insurance activities for bank holding companies (43 FR 14970, April 10, 1978). This proposal would conform the regulation with the Federal court decision, *Alabama Association of Insurance Agents* v. *Board of Governors of the Federal Reserve System,* 553 F. 2d 224 (5th Cir. 1976), rehearing denied, 558 F. 2d 729 (1977), *cert* denied 435 U.S. 904 (1978). The Board will consider taking final action on the proposal during the next six months.

Authority: Bank Holding Company Act, 12 U.S.C. 1843(c)(8).

Staff Contact: Richard M. Whiting, Senior Attorney, Legal Division (202–452–3779).

****7. Regulation: Z (Truth in Lending)**

Action Taken: In May 1980, the Board deferred the effective date of a revocation of an amendment and interpretation of Regulation Z that reduced the obligation of creditors to provide a right of recission for each transaction under open-end accounts secured by consumers' residences (45 FR 33599, May 20, 1980). The revocation, which was to be effective May 31, 1980, was deferred until the Board adopts proposed revisions to Regulation Z under the Truth in Lending Simplification and Reform Act. (See entry II.A.6.)

Authority: Truth in Lending Act, 15 U.S.C. Section 1604.

Staff Contact: Barbara Ranagan, Staff Attorney, Division of Consumer and Community Affairs (202–452–3667).

III. REGULATORY MATTERS THE BOARD MAY CONSIDER DURING THE NEXT SIX MONTHS

A. Regulatory Actions Resulting From Recent Legislation, or From Regulatory Decisions of Other Federal Agencies

1. Regulation: T (Credit by Brokers and Dealers)

Anticipated Action: The Board will consider issuing for public comment a proposed amendment to Regulation T to provide special rules for margin on options written on Treasury or Government National Mortgage Association securities. The Securities and Exchange Commission is currently examining proposals of options exchange markets to trade options on these exempt securities. If these markets are permitted to open, rulemaking by the Board will be necessary.

Authority: Securities Exchange Act of 1934, 15 U.S.C. 78 g and w.

Staff Contact: Laura Homer, Chief Attorney, Securities Regulation Section, Division of Banking Supervision and Regulation (202–452–2781).

****2. Regulation: AA (Unfair or Deceptive Acts and Practices)**

Anticipated Action: The Board is required by the Federal Trade Commission Act to adopt a rule applicable to the acts or practices of banks that is substantially similar to a trade regulation rule adopted by the FTC prohibiting certain acts or practices of other creditors as unfair or deceptive, unless the Board finds that such acts or practices of banks are not unfair or deceptive or that implementation of a similar rule with respect to banks would seriously conflict with essential monetary and payments systems policies of the Board. In response to a proposed FTC rule (known as the "creditor holder-in-due-course rule")

governing the preservation of consumers' claims and defenses, the Board published a comparable proposal for comment (41 FR 7110, February 17, 1976). The proposal would require the insertion in certain credit contracts of a notice preserving a consumer's claims and defenses against a seller of goods or services so that they can be raised against any holder of the contract. The FTC published a revised version of its creditor rule for comment in November 1979, and is expected to take final action in the near future. When a final FTC rule is adopted, the Board will consider publishing a new proposal for comment or taking other appropriate regulatory action.

Authority: Section 18(f) of Federal Trade Commission Act, 15 U.S.C. 41 *et seq.*

Staff Contact: Dolores S. Smith, Section Chief, Division of Consumer and Community Affairs (202–452–2412).

B. Actions Intended To Reduce Regulatory Burden or To Clarify Existing Regulations

****1. Regulation: K (International Banking Operations)**

Anticipated Action: The Board will consider republishing for comment a proposal that would permit Edge Corporations to provide full banking services to a limited class of customers. Pursuant to the International Banking Act, a similar proposal was published for comment in February 1979 (44 FR 10509, February 21, 1979), to improve the competitive position of Edge Corporations.

Authority: International Banking Act of 1978, 12 U.S.C. 3101, Federal Reserve Act, 12 U.S.C. 601 and 615.

Staff Contact: C. Keefe Hurley, Jr., Senior Counsel, Legal Division (202–452–3269).

2. Regulation T (Credit by Brokers and Dealers)

Anticipated Action: The Board will consider issuing for public comment either an amendment to the special cash account provision of Regulation T or an interpretation to facilitate the covered writing of options by institutions and other entities which are prevented by law from using margin accounts. Because of processing delays in delivery *versus* payment arrangements in which escrow receipts from banks are used, brokers have asked for more flexibility than presently permitted.

Lifting the Securities and Exchange Commission's moratorium on option expansion has increased the difficulties encountered by brokers, and the Board's staff has verified with banks that a problem exists.

Authority: Securities Exchange Act of 1934, 15 U.S.C. 78 g and w.

Staff Contact: Laura Homer, Chief Attorney; Robert Lord, Attorney, Securities Regulation Section, Division of Banking Supervision and Regulation, (202–452–2781).

****3. Regulation: Rules Regarding Availability of Information**

Anticipated Action: The Board will consider issuing for public comment certain amendments to its Rules Regarding Availability of Information in order to bring them into conformity with existing information disclosure law as it has developed since the regulation was last amended, and also in order to take advantage of the staff's experience working with the Freedom of Information Act.

Authority: Freedom of Information Act, 5 U.S.C. 552.

Staff Contact: Stephen L. Siciliano, Senior Counsel, Legal Division, (202–452–3920).

****4. Regulatory Improvement Project**

Anticipated Action: The Board's Regulatory Improvement Project involves, among other things, a substantive, zero-base review of all Federal Reserve regulations that affect the public to determine (1) the fundamental objectives of the regulation and the extent to which it is meeting current policy goals, (2) nonregulatory alternatives that would accomplish the objectives, (3) costs and benefits of the regulation, (4) unnecessary burdens imposed by the regulation, and (5) the clarity of the regulation.

The Project also assists in the evaluation and editing of changes and amendments to regulations to ensure consistency with the objectives of the basic regulation and the Project.

During the past six months, the Board took final action on the remaining provisions of revised Regulation L (Management Official Interlocks), and the last sections of new Regulation E (Electronic Fund Transfers) (45 FR 24384, April 9, 1980 and 45 FR 25379, April 15, 1980, respectively). As a consequence of the Monetary Control Act of 1980, substantive changes were proposed for Regulation A (Extensions of Credit by Federal Reserve Banks) and for Regulation D (Reserves of Member Banks) (See entries II.A.1 and 2. respectively). In addition, public comment was requested on a redrafted version of Regulation Z (Truth in Lending) that was issued in conjunction with the "Truth in Lending Simplification and Reform Act" (See entry II.A.6.). The comment period on a revised Regulation J (Collection of Checks and Other Items and Transfers of Funds) expired during this time (See entry II.C.2.).

During the next six months, the Board is expected to take final action on the proposed revision of Regulation J as well as Regulations A and D. The staff is expected to complete its review of Regulation Y (Bank Holding Companies and Change in Bank Control), will be analyzing the comments on Regulation Z, and will be continuing its review of the "margin credit" regulations: Regulation G (Securities Credit by Persons Other than Banks, Brokers, or Dealers), Regulation T (Credit by Brokers and Dealers), Regulation U (Credit by Banks for the Purposes of Purchasing or Carrying Margin Stocks), and Regulation X (Rules Governing Borrowers Who Obtain Securities Credit). Requests for public comment on proposed revisions of these regulations may be made over the coming six months.

Authority: Financial Simplification Act of 1980, 12 U.S.C. 3501.

Staff Contact: Barbara R. Lowrey, Assistant Secretary, Office of the Secretary, (202–452–3742).

C. Other Regulatory Activity

****1. Regulation: D (Reserves of Member Banks) Q (Interest on Deposits)**

Anticipated Action: In response to requests from the banking community, the Board will consider issuing for public comment proposed amendments to its Regulations D and Q to permit the establishment in the United States of International Banking Facilities (IBFs) that would make loans to and accept deposits from foreign residents free of reserve requirements and interest-rate limitations. In 1978, the Board issues a press release dated December 14, 1978, on a proposal by the New York Clearing House Association to establish an IBF and invited public comment on various issues raised by the proposal.

Authority: Federal Reserve Act, 12 U.S.C. 461.

Staff Contact: Robert F. Gemmill, Associate Director, Division of International Finance, (202–452–3733); Gilbert T. Schwartz, Assistant General Counsel, Legal Division, (202–452–3625).

****2. Regulation: H (Membership of State Banking Institutions in the Federal Reserve System)**

Anticipated Action: The Board will consider issuing for public comment on amendment to Regulation H to implement section 23(e) of the Securities Exchange Act of 1934 which authorizes Federal regulatory agencies to require a bank which exercises investment discretion with respect to an account to disclose its policies and practices with

respect to commissions that will be paid for effecting securities transactions. The amendment would prescribe the manner and frequency of making such disclosures by State member banks. Similar regulations are expected to be considered by the Comptroller of the Currency and the Federal Deposit Insurance Corporation.

Authority: Securities Exchange Act of 1934, 15 U.S.C. 78b(e)(2).

Staff Contact: Robert S. Plotkin, Assistant Director, Division of Banking Supervision and Regulation, (202–452–2782); Walter R. McEwen, Attorney, Trust Activities Program, Division of Banking Supervision and Regulation, (202–452–2521).

****3. Regulation: T (Credit by Brokers and Dealers)**

Anticipated Action: In response to a request on behalf of a registered broker-dealer, the Board will consider whether it has the authority under the Securities and Exchange Act of 1934 to amend Regulation T to permit the acceptance of bank depository receipts for gold by a broker or dealer to meet the margin requirements specified by the rule. The Board will also consider a possible amendment to § 220.6(j) of Regulation T regarding the use of foreign currency to meet margin requirements.

Authority: Securities Exchange Act of 1945, 15 U.S.C. 78g and w.

Staff Contact: Laura Homer, Chief Attorney; Robert Lord, Attorney, Securities Regulation Section, Division of Banking Supervision and Regulation, (202–452–2781).

4. Regulation: T (Credit by Brokers and Dealers)

Anticipated Action: The Board will consider issuing for public comment a proposed amendment to Regulation T dealing with back office procedures of broker-dealers. In the past the Board has considered one broker-dealer to be a customer of another broker-dealer who is extending credit to him. With certain specific exceptions in Regulation T, broker to broker transactions are subject to the same credit restraints as those applicable to an ordinary customer. The consolidation of back offices of two or more broker-dealers has given rise to several requests for an amendment to permit a consolidated back office to clear and carry each firm's securities on a non-customer basis.

Since new organizational firms are currently being formed as cost-saving mechanisms, staff has had to respond to requests for opinions as to the application of the regulation to such new entities, and further has determined there is a need for a general rule on the subject.

Authority: Securities Exchange Act of 1934, 15 U.S.C. 78g and w.

Staff Contact: Patsy Abelle, Senior Attorney, Securities Regulation Section, Division of Banking Supervision and Regulation, (202–452–2781).

Comments on this agenda should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Board of Governors of the Federal Reserve System, July 28, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-23030 Filed 8-1-80; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 80-ASW-31]

Proposed Designation of Transition Area: Rocksprings, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The nature of the action being taken is to propose designation of a transition area at Rocksprings, Tex. The intended effect of the proposed action is to provide controlled airspace for aircraft executing a new instrument approach procedure to the Four Square Ranch Airport. The circumstance which created the need for the action is the proposed establishment of an Area Navigation (RNAV) approach to Runway 18. Coincident with this action, the airport is changed from Visual Flight Rules [VFR] to Instrument Flight Rules (IFR).

DATES: Comments must be received on or before September 3, 1980.

ADDRESSES: Send comments on the proposal to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The official docket may be examined at the following location: Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

An informal docket may be examined at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch, ASW–535, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Forth Worth, Texas 76101; telephone: (817) 624–4911, extension 302.

SUPPLEMENTARY INFORMATION: Subpart G § 71.181 (45 FR 445) of FAR Part 71 contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting IFR activity. Designation of a transition area at Rocksprings, Tex., will necessitate an amendment to this subpart.

Comments Invited

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before September 3, 1980, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submiting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, or by calling (817) 624–4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should contact the office listed above.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a transition area at Rocksprings, Tex. The FAA believes this action will enhance IFR

operations at the Four Square Ranch Airport by providing controlled airspace for aircraft executing a proposed instrument approach procedure using RNAV navigation. Subpart G of Part 71 was republished in the **Federal Register** on January 2, 1980 (45 FR 445).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 445) by designating the following:

Rocksprings, Tex.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Four Square Ranch Airport (latitude 30°05'47" N., longitude 100°24'13" W.); and within 2.5 miles each side of the 010° bearing from the Four Square Ranch Airport, extending from the 7-mile radius area to 9.5 miles north of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Fort Worth, Texas on July 22, 1980.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 80-23180 Filed 8-1-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-ASW-32]

Proposed Designation of Transition Area; Littlefield, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The nature of the action being taken is to propose designation of a transition area at Littlefield, Tex. The intended effect of the action is to provide controlled airspace for aircraft executing a new instrument approach procedure to the Littlefield Municipal Airport. The circumstance which created the need for this action is the proposed establishment of a nondirectional radio beacon (NDB) on the airport with an associated Instrument Flight Rules (IFR) approach procedure.

DATES: Comments must be received on or before September 3, 1980.

ADDRESSES: Send comments on the proposal to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The official docket may be examined at the following location: Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

An informal docket may be examined at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone: (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: Subpart G § 71.181 (45 FR 445) of Part 71 contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting IFR activity. Designation of a transition area at Littlefield, Tex., will necessitate an amendment to this subpart.

Comments Invited

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before September 3, 1980, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, or by calling (817) 624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should contact the office listed above.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a transition area at Littlefield, Tex. The FAA believes this action will enhance IFR operations at the Littlefield Municipal Airport by providing controlled airspace for aircraft executing proposed instrument approach procedures using the proposed NDB. Subpart G of Part 71 was republished in the **Federal Register** on January 2, 1980 (45 FR 445).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 445) by adding the following:

Littlefield, Tex.

That airspace extending upward from 700 feet above the surface within a 7 statute mile radius of the Littlefield, Municipal Airport (latitude 33°55'25"N., longitude 102°23'10"W.) and within 3 statute miles each side of the 208° bearing from the Littlefield NDB (latitude 33°55'07"N., longitude 102°23'11"W.) extending from the 7 statute mile radius area to 8.5 statute miles southwest of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Fort Worth, Tex., on July 22, 1980.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 80-23181 Filed 8-1-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-ARM-13]

Alteration of 1,200 Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This Notice of Proposed Rulemaking (NPRM) proposes to alter the 1,200' transition area at Great Falls, Montana to provide controlled airspace for aircraft being provided radar service while ingressing/egressing the Great Falls, Montana area. No change is necessary to the 700' transition area.

DATES: Comments must be received on or before September 2, 1980.

ADDRESSES: Send comments on the proposal to: Chief, Air Traffic Division, Attn: ARM-500, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010.

FOR FURTHER INFORMATION CONTACT: Robert E. Greene, Airspace and Procedures Specialist, Operations, Procedures and Airspace Branch (ARM-539), Air Traffic Division, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colorado 80010; telephone (303) 837-3937.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010. All communications received will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The Federal Aviation Administration (FAA) is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by altering the 1,200' transition area at Great Falls, Montana to provide controlled airspace for aircraft being provided radar service while ingressing/egressing the Great Falls, Montana area. Accordingly, the Federal Aviation Administration proposes the following amendments to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

By amending Subpart G, § 71.181 so as to establish the following transition area:

Great Falls, Mont.

That airspace extending upward from 1,200' above the surface within a 60-mile radius of the Great Falls VOR (latitude 47°27'00" N., longitude 111°24'41" W.); and that airspace beginning 60 miles southeast of the Great Falls VOR from the south edge of V-113, east to the west edge of V-187, southeast to the intersect of the east edge of V-2N, northwest to the intersect of the 60-mile radius of Great Falls VOR; thence to point of beginning, excluding that portion overlying the Billings and Helena, Montana 1,200' transition areas.

Drafting Information

The principal authors of this document are Robert E. Greene, Air Traffic Division, and Daniel J. Peterson, office of the Regional Counsel, Rocky Mountain Region.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)); sec. 6(c), the Department of Transportation Act (49 U.S.C. 1655(c))

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation, and a comment period of less than 45 days is appropriate.

Issued in Aurora, Colo., on July 22, 1980.

Arthur Varnado,

Director, Rocky Mountain Region.

[FR Doc. 80-23182 Filed 8-1-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-ANE-29]

Alteration of VOR Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the description of VOR Federal Airway V-300, in part, by revoking the current airway floor between Millinocket, Maine, and Sherbrooke, Quebec, Canada. The Greenville, Maine, nondirectional beacon (NDB) has been decommissioned and requires the conversion of this segment of V-300 to a 1,200-foot floor.

DATES: Comments must be received on or before September 3, 1980.

ADDRESSES: Send comments on the proposal, in triplicate to: Director, FAA New England Region, Attention: Chief, Air Traffic Division, Docket No. 80-ANE-29, Federal Aviation Administration, 12 New England Executive Park, Burlington, Mass. 01803.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC-24), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis Still, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8525.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket

number and be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 12 New England Executive Park, Burlington, Mass. 01803. All communications received on or before September 3, 1980 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communciations must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would alter the description of V–300 after Sherbrooke, Quebec, Canada. The new approach procedures being developed, due to the planned relocation of the Greenville, Maine, nondirectional beacon (NDB), require conversion of that segment of V–300 be changed to a 1,200-foot floor. Subpart C of Part 71 was republished in the **Federal Register** on January 2, 1980, (45 FR 307).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 307) as follows:

Under V–300, "From Sherbrooke, Quebec, Canada, 86 miles 52 MSL, Millinocket, Maine;" is deleted and "From Sherbrooke, Quebec, Canada; Millinocket, Maine;" is substituted therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Washington, D.C., on July 29, 1980.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 80–23320 Filed 8–1–80; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 80–SO–37]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Proposed Alteration of Transition Area, Alabaster, Ala.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule will alter the Alabaster, Alabama, Transition Area and will lower the base of controlled airspace in the vicinity of the Shelby County Airport from 1200 to 700 feet above Ground Level (AGL) to accommodate Instrument Flight Rule (IFR) operations. A new public use instrument approach procedure (NDB RWY 33) has been developed for the Shelby County Airport and the additional controlled airspace is required to protect aircraft executing the approach procedure.

DATES: Comments must be received on or before: September 15, 1980.

ADDRESS: Send comments on the proposal to: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT: John W. Schassar, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: 404–763–7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Federal Aviation Administration, Attention: Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before September 15, 1980, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) to alter the Alabaster, Alabama, Transition Area. This action will provide controlled airspace protection for aircraft executing the NDB RWY 33 Standard Instrument Approach Procedure (SIAP) at the Shelby County Airport. The Calera (nonfederal) Nondirectional Radio Beacon (NDB) which will support the procedure is located 3.4 nautical miles south of the Shelby County Airport.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, § 71.181 (45 FR 445), of Part 71 of the Federal Aviation Regulations (14 CFR 71) as follows:

Alabaster, Ala.

The present description is deleted and ". . . that airspace extending upward from 700 feet above the surface within a 7-mile radius of Shelby County Airport (latitude 33°10'40"N., longitude 86°47'00"W.): within three miles each side of the 171° bearing from the Calera Nondirectional Radio Beacon (NDB) (latitude 33°07'04"N., longitude 86°46'14"W.) extending from the 7-mile

radius to 8.5 miles south of the NDB within a 6.5-mile radius of Bessemer Airport (latitude 33°18'49"N., longitude 86°55'29"W.) within three miles each side of the 241° bearing from Bessemer RBN (latitude 33°18'42"N., longitude 86°55'25"W.) extending from the 6.5-mile radius to 8.5 miles southwest of the RBN; excluding that portion which coincides with the Birmingham Transition Area . . ." is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The Federal Aviation Administration has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in East Point, Georgia, on July 24, 1980.

Louis J. Cardinali,

Director, Southern Region.

[FR Doc. 80-23322 Filed 8-1-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 73

[Airspace Docket No. 80-SO-11]

Proposed Restricted Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish a restricted area with five subdivisions in the vicinity of Townsend, Ga., for the purpose of containing the manuevers of high performance military aircraft conducting flight profiles associated with inert ordnance delivery upon the Townsend Bombing/Gunnery Range. Existing east coast restricted areas and ranges are inadequate to support military units located in Ga. and S.C. Unauthorized flight operations by nonparticipating aircraft would be prohibited within the restricted area during its' proposed designated time of use.

DATES: Comments must be received on or before October 6, 1980.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Southern Region, Attention: Chief, Air Traffic Division, Docket No. 80-SO-11, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320.

Send comments on environmental and land use aspects to: Savannah Air National Guard Training Site, P.O. Box 7299, Garden City, Ga. 31408. Attention: Major Mark L. Berg, telephone: (912) 964-7396.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC-24), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: George O. Hussey, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-3715.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before October 6, 1980 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C., 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 73.30 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) that would designate a restricted area with five subdivisions identified as R-3007A, R-3007B, R-3007C, R-3007D, and R-3007E, Townsend, Ga. This area would contain the maneuvers of high performance military aircraft conducting flight profiles associated with inert ordnance drops upon the Townsend Bombing/Gunnery Range. This hazardous activity necessitates the establishment of restricted airspace which would prohibit flight of nonparticipating aircraft during the restricted area's designated time of use. The use of existing restricted areas within a reasonable distance of aircraft based in Ga., and S.C., has been thoroughly evaluated and found inadequate. Establishment of this restricted area in association with the use of Townsend Range would result in an estimated 20 million dollar annual savings in fuel cost based on a planned utilization of 10,000 annual sorties. The lateral and vertical dimensions of the proposed area is the minimum required to contain planned activities and has been designed for minimal impact on other aviation interests. The area would be designated for joint use to permit authorized access by nonparticipating aircraft when the area is not in use for its' designated purpose. Townsend Airport is provided relief by excluding the airspace 1,200 feet AGL and below within 1 nautical mile (NM) radius west of the Seaboard Coastline Railroad tracks and all of the restricted area east of the tracks. The designated using agency for this area is Savannah Air national Guard Training Site, Garden City, Ga., and the designated controlling agency is FAA, Jacksonville Air Route Traffic Control Center (ARTCC), Hilliard, Fla. The United States Marine Corps will serve as lead agency for the purpose of compliance with the National Environmental Policy Act (NEPA). Section 73.30 of Part 73 was republished in the **Federal Register** on January 2, 1980, (45 FR 695).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 73.30 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (45 FR 695) as follows:

1. In § 73.30, after "R-3005B Fort Stewart, Ga.," by adding new restricted areas to read as follows:

"R-3007A Townsend, Ga.

Boundaries. Beginning at Lat. 31°43'00" N., Long. 81°54'00" W.; to Lat. 31°47'15" N., Long. 81°50'00" W.; to Lat. 31°48'15" N., Long. 81°43'00" W.; to Lat. 31°46'00" N., Long. 81°38'00" W.; to Lat. 31°38'00" N.,

Long. 81°47'00" W.; thence west along the Altamaha River to point of beginning.
Designated altitudes. 1,500 feet AGL to 5,000 feet MSL, excluding that airspace below 3,000 feet AGL within 1½ NM radius circle centered on Lat. 31°42'30" N., Long. 81°45'00" W.
Time of designation. Daily, 0800–1700 local time. Other times by NOTAM at least 24 hours in advance.
Controlling agency. Federal Aviation Administration, Jacksonville ARTCC.
Using agency. Savannah Air National Guard Training Site, Garden City, Ga.

R–3007B Townsend, Ga.

Boundaries. Beginning at Lat. 31°38'00" N., Long. 81°47'00" W.; to Lat. 31°46'00" N., Long. 81°38'00" W.; to Lat. 31°42'30" N., Long. 81°34'00" W.; to Lat. 31°33'15" N., Long. 81°42'00" W.; thence west along the Altamaha River to point of beginning.
Designated altitudes. 500 feet AGL to 5,000 feet MSL.
Time of designation. Daily, 0800–1700 local time. Other times by NOTAM at least 24 hours in advance.
Controlling agency. Federal Aviation Administration, Jacksonville ARTCC.
Using agency. Savannah Air National Guard Training Site, Garden City, Ga.

R–3007C Townsend, Ga.

Boundaries. Beginning at Lat. 31°33'15" N., Long. 81°42'00" W.; to Lat. 31°42'30" N., Long. 81°34'00" W.; to Lat. 31°37'30" N., Long. 81°28'15" W.; to Lat. 31°32'30" N., Long. 81°27'30" W.; to Lat. 31°26'15" N., Long. 81°31'30" W.; to Lat. 31°25'30" N., Long. 81°36'00" W.; thence west along the Altamaha River to point of beginning.
Designated altitudes. 100 feet AGL to 13,000 feet MSL.
Time of designation. Daily, 0800–1700 local time. Other times by NOTAM at least 24 hours in advance.
Controlling agency. Federal Aviation Administration, Jacksonville ARTCC.
Using agency. Savannah Air National Guard Training Site, Garden City, Ga.

R–3007D Townsend, Ga.

Boundaries. Beginning at Lat. 31°38'00" N., Long. 81°29'00" W.; to Lat. 31°33'15" N., Long. 81°31'15" W.; thence via a 1 NM radius arc counterclockwise of a point centered on Lat. 31°32'25" N., Long. 81°31'50" W.; to Lat. 31°31'15" N., Long. 81°32'00" W.; to Lat. 31°27'25" N., Long. 81°33'40" W.; to Lat. 31°26'00" N., Long. 81°36'25" W.
Designated altitudes. 1,200 feet AGL to 13,000 feet MSL.
Time of designation. Daily, 0800–1700 local time. Other times by NOTAM at least 24 hours in advance.
Controlling agency. Federal Aviation Administration, Jacksonville ARTCC.
Using agency. Savannah Air National Guard Training Site, Garden City, Ga.

R–3007E Townsend, Ga.

Boundaries. A circular area with a 1½ mile radius centered at Lat. 31°31'15" N., Long. 81°34'45" W.
Designated altitudes. Surface to 13,000 feet MSL.
Time of designation. Daily, 0800–1700 local time. Other times by NOTAM at least 24 hours in advance.
Controlling agency. Federal Aviation Administration, Jacksonville ARTCC.
Using agency. Savannah Air National Guard Training Site, Garden City, Ga."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Copies of the draft regulatory evaluation are in the Washington, D.C., and Southern Region dockets and may be obtained by application in writing to the person identified above under the caption "FOR FURTHER INFORMATION CONTACT * * *

Issued in Washington, D.C., on July 29, 1980.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 80-23321 Filed 8-1-80; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

Office of the Secretary

15 CFR Part 19

Federal Voluntary Standards Policy; Notice of Public Hearing and Rebuttal Period

AGENCY: Assistant Secretary for Productivity, Technology, and Innovation, Commerce.

ACTION: Notice of public hearing and period for filing rebuttal statements on proposed procedures for listing voluntary standards bodies eligible for Federal agency support and participation and for a Department sponsored voluntary dispute resolution service for procedural complaints against listed voluntary standards bodies.

SUMMARY: The Department of Commerce hereby announces that it will hold an informal public hearing on August 27, 1980 to provide interested parties an opportunity to express their views and concerns regarding the proposed procedures published by the Department in the **Federal Register** on June 2, 1980 45 FR 37373, in partial implementation of OMB Circular A–119. The Department hereby also announces the establishment of a 30-day period, following the public comment period which ends September 2, 1980 (45 FR 47437, July 10, 1980), for the submission of rebuttal statements.

DATES: Rebuttal comments must be filed by October 2, 1980.

The informal public hearing will be held on August 27, 1980.

ADDRESSES: Rebuttal statements should be mailed to Dr. Jordan J. Baruch, Assistant Secretary for Productivity, Technology, and Innovation, room 3864, U.S. Department of Commerce, Washington, D.C. 20230, or delivered to room 3864, Main Commerce Building, 14th Street between Constitution Avenue and E Street, NW., Washington, D.C. (between the hours of 8:30 A.M. and 5:00 P.M.) not later than 5:00 P.M., October 2, 1980.

The hearing will be held on Wednesday, August 27, 1980, beginning at 9:00 A.M., Eastern Daylight Saving Time (ESDT), in room 6802, Main Commerce Building, (14th Street between Constitution Ave. and E Street, NW.)-Washington, D.C.

Persons wishing to testify at this hearing should submit to the Deputy Assistant Secretary for Product Standards Policy (Room 3876, U.S. Department of Commerce, Washington, D.C. 20230) four copies of the statement they wish to make at the hearing, not later than Friday, August 22, 1980.

FOR FURTHER INFORMATION CONTACT: Dr. Howard I. Forman, Deputy Assistant Secretary for Product Standards Policy, room 3876, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377–3221; or Mr. Donald R. MacKay, Office of Product Standards Policy, room 3876, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377–4562.

SUPPLEMENTARY INFORMATION: On June 2, 1980, The Department of Commerce published in the **Federal Register** proposed procedures for listing voluntary standards bodies eligible for Federal agency support and participation, and for a Department sponsored voluntary dispute resolution service for procedural complaints against listed voluntary standards bodies. The notice established a 60-day comment period and indicated that written comments were due on or before August 1, 1980. On July 10, 1980, the Department, response to requests, extended the date for filing written comments until September 2, 1980.

The Department, in response to specific requests, has decided to hold an informal public hearing for the purpose of giving interested parties an opportunity to comment on the proposed procedures published by the Department on June 2, 1980, and to express their views and concerns regarding those procedures. This hearing will be held on Wednesday, August 27, 1980, beginning

at 9:00 A.M., Eastern Daylight Saving Time (ESDT), in room 6802, Main Commerce Building, (14th Street between Constitution and E Streets, NW.0 Washington, D.C.

Persons wishing to testify at this hearing should submit to the Deputy Assistant Secretary for Product Standards Policy (Room 3876, U.S. Department of Commerce, Washington, D.C. 20230) four copies of the statement they wish to make at the hearing, not later than Friday, August 22, 1980.

FOR FURTHER INFORMATION CONTACT: Dr. Howard I. Forman, Deputy Assistant Secretary for Product Standards Policy, Room 3876, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377–3221; or Mr. Donald R. Mackay, Office of Product Standards Policy, Room 3876, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377–4562.

SUPPLEMENTARY INFORMATION: On June 2, 1980, the Department of Commerce published in the **Federal Register** proposed procedures for listing voluntary standards bodies eligible for Federal agency support and participation, and for a Department sponsored voluntary dispute resolution service for procedural complaints against listed voluntary standards bodies. That notice established a 60-day comment period and indicated that written comments were due on or before August 1, 1980. On July 10, 1980, the Department, in response to requests, extended the date for filing written comments until September 2, 1980.

The Department, in response to specific requests, has decided to hold an informal public hearing for the purpose of giving interested parties an opportunity to comment on the proposed procedures published by the Department on June 2, 1980, and to express their views and concerns regarding those procedures. This hearing will be held on Wednesday, August 27, 1980, beginning at 9 a.m., Eastern Daylight Savings Time (EDST), in Room 6802, Main Commerce Building (14th Street between Constitution and E Streets, NW.), Washington, D.C.

Persons wishing to testify at this hearing should submit to the Deputy Assistant Secretary for Product Standards Policy (Room 3876, U.S. Department of Commerce, Washington, D.C. 20230) four copies of the statement they wish to make at the hearing, not later than Friday, August 22, 1980.

The following procedures are established for the informal hearing:

1. *Purpose.*—The purpose of the informal hearing on the proposed procedures published by the Department concerning the implementation of OMB Circular A–119 is to provide all interested parties with the opportunity to express their views and concerns regarding the Proposed Procedures for Listing and Delisting Voluntary Standards Bodies and Their Standards-Developing Groups and the Proposed Procedures for a Voluntary Dispute Resolution Service for the Rapid Handling of Procedural Complaints by Interested Parties Against Voluntary Standards Bodies Listed by the Department of Commerce (45 FR 37374, June 2, 1980).

2. *Conduct of Hearing.* (a) This hearing shall be an informal non-adversary proceeding at which there will be no formal pleadings, adverse parties or cross examination. Witnesses should submit a written statement of their presentation for the record as indicated above.

(b) The presiding officer shall have the right to schedule the witnesses, to apportion in an equitable manner the time available to each witness for making presentations, and to terminate or shorten the presentation of any witness when, in his opinion, such presentation is repetitive of information previously presented or not relevant to the purpose of the hearing.

(c) The presiding officer shall have the authority to continue the hearing on August 28, 1980 if it appears that the scheduled witnesses cannot complete their testimony on August 27, 1980.

(d) The presiding officer and other members of the Department of Commerce hearing panel shall have the right to question witnesses on their statements and other matters related to the proposed procedures.

(e) The presiding officer shall have the right to exercise such authority as may be necessary to insure the equitable and efficient conduct of the hearing and to maintain order.

3. *General Provisions.* (a) This informal hearing shall be open to members of the public whether or not such members wish to testify at the hearing. However, due to limited space available for seating members of the public, it is recommended that they indicate their desire to attend the hearing in writing to the Office of Product Standards Policy, room 3876, Department of Commerce, Washington, D.C. 20230), or by phone (202–377–4562) not later than 12:00 Noon, Wednesday, August 20, 1980.

(b) A written transcript of the hearing will be made. A copy of the transcript will be available for inspection and copying in the Central Reference and Records Inspection Facility, room 5317, Main Commerce Building, 14th Street between E Street and Constitution Avenue NW., Washington, D.C. 20230 on September 3, 1980. Copies of the transcript of the hearing will also be available for purchase directly from the commercial reporting service responsible for providing the transcript to the Department. Information concerning the availability of the transcript will be announced at the hearing.

(c) Copies of all written materials and comments on the proposed procedures published in the **Federal Register** on June 2, 1980, are being filed upon receipt in the Central Reference and Records Inspection Facility identified above, and are available for inspection and copying.

In addition to providing for a public hearing, as described above, the Department has also, in response to several requests, decided to provide a 30-day period following the close of public comment period (September 2, 1980) to allow interested parties the opportunity to review and rebut the statements and comments presented at the public hearing as well as all statements filed in response to the publication of the proposed procedures in the **Federal Register** on June 2, 1980, and to submit rebuttal statements. Such rebuttal statements should be mailed to Dr. Jordan J. Baruch, Assistant Secretary for Productivity, Technology, and Innovation, room 3864, U.S. Department of Commerce, Washington, D.C. 20230, or delivered to room 3864, Main Commerce Building, 14th Street between Consitution Avenue and E Street NW., Washington, D.C. (between the hours of 8:30 A.M. and 5:00 P.M.) not later than 5:00 P.M., October 2, 1980.

Dated: July 30, 1980.

Jordan J. Baruch,

Assistant Secretary for Productivity, Technology, and Innovation.

[FR Doc. 80–23390 Filed 8–1–80; 8:45 am]

BILLING CODE 3510–17–M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 801 0060]

SmithKline Corp.; Consent Agreement with Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Consent Agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, would require, among other things, a Philadelphia, Pa.

manufacturer of prescription medicines, proprietary pharmaceuticals, and animal health products, to divest itself of the assets of Sea & Ski, except for its plant and equipment within six months of the effective date of the order. Respondent, upon request of the buyer, must furnish technical, market and quality control information for a one-year period specified in the order and must maintain the value of the products or assets of Sea & Ski and preserve it as a viable, ongoing business pending divestiture.

DATE: Comments must be received on or before September 30, 1980.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: FTC/C, E. Perry Johnson, Washington, D.C. (202) 523-3601.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's rules of practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commisson's rules of practice (16 CFR 4.9(b)(14)).

[File No. 801 0060]

SmithKline Corp.; Agreement Containing Consent Order

The Federal Trade Commission having initiated an investigation of the merger of SmithKline Corporation and Allergan Pharmaceuticals, Inc., and it now appearing that SmithKline Corporation, hereinafter sometimes referred to as proposed respondent, is willing to enter into an agreement containing an order with respect to the acquisition being investigated,

It is hereby agreed by and between SmithKline Corporation, by its duly authorized officers and attorneys, and counsel for the Federal Trade Commission that:

1. Proposed respondent SmithKline Corporation is a corporation organized, existing, and doing business under and by virtue of the laws of the Commonwealth of Pennsylvania with its office and principal place of business located at 1500 Spring Garden Street, in the City of Philadelphia, Commonwealth of Pennsylvania.

2. Allergan Pharmaceuticals, Inc., is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Delaware with its offices and principal place of business located at 2525 Dupont Drive, in the City of Irvine, State of California.

3. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

4. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

5. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby and explanatory material, pursuant to Rule 2.34, will be placed on the public record for a period of sixty (60) days and information with respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

6. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint here attached.

7. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order in disposition of the proceeding and (2) make information public with respect thereto. When so entered, the order shall have the same force and effect and may be altered, modified, or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Mailing of the complaint and decision containing the agreed-to order to the proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation or interpretation not contained in the terms of the order or this agreement may be used to vary or contradict the terms of the order.

8. Proposed respondent has read the proposed complaint and order contemplated hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order, and that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

For the purpose of this order, the term "sun care products" means any formulation designed, promoted, and sold for application to the skin before or during exposure to sunlight in order to prevent, inhibit, facilitate, or simulate any condition of the skin.

I

It is ordered, That, subject to the prior approval of the Federal Trade Commission, respondent, through its officers, directors, employees, subsidiaries, affiliates, divisions, successors, and assigns, shall within six (6) months from the date on which this order becomes final divest absolutely and in good faith all assets, properties, rights, and privileges, tangible and intangible, of the subsidiary of respondent SmithKline Corporation known as the Sea & Ski Corporation, including but not limited to molds for the fabrication of plastic bottles, raw material reserves, inventory, lists of customers, product trade names, product trademarks, patents, assignable licenses (non-assignable licenses shall be relinquished), manufacturing specifications and procedures, market research materials, sales training materials, research and development projects (including licenses, license applications and Notices of Claimed Investigational Exemption for a New Drug (IND's)), but excluding real property, plant, equipment and machinery of the Reno, Nevada, facility other than molds for the fabrication of plastic bottles. Such divestiture shall be made to a third party which represents that it intends to use the assets in the

manufacture, distribution or sale of sun care products in the United States.

II

It is further ordered, That, upon the written request of the acquirer of the divested property, respondent shall, for no longer than one (1) year from the date of the agreement with such acquirer to transfer the assets referred to in Paragraph I, furnish such technical, market, and quality control information of SmithKline Corporation accumulated as a result of its ownership of the Sea & Ski Corporation and make available such personnel and technical sssistance as may be necessary to enable the acquirer to manufacture and market those sun care products manufactured in the United States by SmithKline Corporation at the time of its merger with Allergan Pharmaceuticals, Inc.

III

It is further ordered, That, pending the divestiture required by this order, respondent shall not cause, and shall use its best efforts to prevent, any diminution of the value of the products or assets of the Sea & Ski Corporation, and shall preserve the Sea & Ski Corporation as a viable, ongoing business.

IV

It is further ordered, That, pursuant to the requirements of Paragraph I above, none of the assets of the Sea & Ski Corporation shall be divested directly or indirectly to anyone who is, at the time of divestiture, an officer, director, employee, or agent of, or under the control, direction, or influence of, respondent or any of respondent's subsidiaries or affiliated corporations, whether direct or indirect, or who owns or controls more than one (1) percent of the outstanding shares of the capital stock of respondent.

V

It is further ordered, That respondent shall, within sixty (60) days after the date of service of this order, and every sixty (60) days thereafter until respondent has fully complied with the divestiture provision of this order, and once thereafter on the expiration of the provisions of Paragraph II of this order, submit in writing to the Federal Trade Commission a verified report setting forth in detail the manner and form in which respondent intends to comply, is complying or has complied with this order. Until divestiture is accomplished, all compliance reports shall include, among other things that are from time to time required, a summary of contacts of negotiations with anyone for the disposition of the assets specified in Paragraph I of this order, the identity of all such persons and copies of all written communications between such persons and respondent.

VI

It is further ordered, That respondent notify the Federal Trade Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation, which may affect compliance obligations arising out of this order.

SmithKline Corporation

[File No. 801-0060]

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from SmithKline Corporation. The agreement is the product of the Commission's investigation of SmithKline's acquisition of Allergan Pharmaceuticals, Inc. The agreement requires SK to divest all of the assets of its subsidiary, the Sea & Ski Corporation, except its plant and equipment within six months from the date on which the order becomes final.

The proposed consent order is being placed on the public record for sixty (60) days for comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

SmithKline is engaged primarily in the research, development, manufacture, and marketing of prescription medicines, proprietary pharmaceuticals, and animal health products. It manufactures and markets sun care products through its subsidiary, the Sea & Ski Corporation.

Allergan is engaged in the research, development, manufacture, and sale of ophthalmic pharmaceutical products and dermatological products including sun care products.

On April 10, 1980, SmithKline acquired all the stock of Allergan in exchange for SmithKline common stock valued at approximately $259 million.

The complaint alleges that SmithKline's acquisition of Allergan violates Section 7 of the Clayton Act and Section 5 of the Federal Trade Commission Act. The complaint asserts that the effect of the acquisition may be substantially to lessen competition or tend to create a monopoly in the manufacture and sale of sun care products in the United States.

The purpose of this proposed order is to restore to the marketplace the substantial competition that formally existed among the sun care products of SmithKline, Allergan, and other firms. Section I of the proposed order requires SmithKline to divest the assets of Sea & Ski, except its plant and equipment, to a party who intends to continue the Sea & Ski sun care business in the United States. The order allows six months for the divestiture and requires that it be approved by the Commission. The divestiture prevents SmithKline's continued control of the sun care business of both Sea & Ski and Allergan.

Section II requires SmithKline, upon request of the acquirer of Sea & Ski, for one year from the date of the agreement with the acquirer, to furnish technical, market, and quality control information.

SmithKline has agreed under Section III not to cause any diminution of the value of the products or assets of Sea & Ski and to preserve it as a viable, ongoing business pending divestiture.

Under Section IV, none of the assets of Sea & Ski may be divested to an officer, director, or employee of SmithKline or to a person who owns more than one percent of SmithKline's stock.

Section V requires that SmithKline file a report setting forth the way it has been complying with the order every sixty days until the divestiture provision is satisfied and once sixty days after fulfillment of the provision of Section II.

In Section VI, SmithKline agrees to notify the Commission at least thirty days prior to any organizational change that would affect compliance obligations.

The purpose of this analysis is to facilitate public comment of the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Carol M. Thomas,

Secretary.

[FR Doc. 80-23255 Filed 8-1-80; 8:45 am]

BILLING CODE 6750-01-M

16 CFR Part 13

[File No. 782 3025]

Benton & Bowles, Inc.; Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, would require, among other things, a New York City advertising agency to cease depicting, in advertising, children eight years of age or younger operating non-motorized two- or three-wheeled vehicles in an unsafe or illegal manner. This would include representing children operating such vehicles in public streets, roads, alleys or other traffic thoroughfares without adult supervision and performing stunts, etc. which create unreasonable risk or harm.

DATE: Comments must be received on or before October 3, 1980.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: FTC/PA, Linda J. Lacey, Washington, D.C. 20580 (202)724–1481.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6 (f) of the Federal Trade Commissioin Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

Agreement Containing Consent Order To Cease and Desist [File No. 782 3025]

In the matter of Benton & Bowles, Incorporated, a corporation.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Benton & Bowles, Incorporated, a corporation, hereinafter referred to as proposed respondent, and it now appearing that Benton & Bowles, Incorporated, a corporation, is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated:

It is hereby agreed by and between Benton & Bowles, Incorporated, by its duly authorized officer and its attorney, and counsel for the Federal Trade Commission, that:

1. Proposed respondent Benton & Bowles, Incorporated, is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York with an office and principal place of business located at 909 Third Avenue, New York, New York.

2. Proposed respondent admits all the jurisdictional facts set forth in the proposed complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commmission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this ageement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft of complaint contemplated thereby and related material pursuant to Rule 2.34, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby, and it understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order, and that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

For the purpose of this Order, the term "non-motorized two or three-wheeled vehicle" shall include bicycles, tricycles, and other similar nonMotorized two or three-wheeled vehicles. The term "minibike" shall refer to motorized two-wheeled vehicles without gears and shall not include mopeds.

I.

It is ordered that respondent Benton & Bowles, Incorporated, a corporation, hereinafter referred to as respondent, its successors and assigns, and their officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising in or affecting commerce of any non-motorized two or three-wheeled vehicle or minibike, cease and desist from, directly or by implication:

A. Representing, in any manner, any child who appears to be eight years old or younger operating any non-motirized two or three-wheeled vehicle in any public street, road, alley or other traffic thoroughfare; provided, however, that this provision shall not apply to the depiction of any child who appears to be five to eight years old operating a non-motorized two or three-wheeled vehicle in any public street, road, alley, or other traffic thoroughfare when such child is accompanied and closely supervised by a person who appears to be eighteen years old or older and who is operating a non-motorized two or three-wheeled vehicle.

B. Representing, in any manner, any person(s) performing stunts, jumps, wheelies, or any other similar act while operating a non-motorized two or three-wheeled vehicle when such act(s) create(s) an unreasonable risk of harm to person or property; provided, however, that this provision shall not apply to the depiction of persons using motorcross bikes in an adult-supervised off-the-road setting and in which the participants are shown wearing helmets and where arms, legs, and feet are suitably covered.

C. Representing, in any manner, any person(s) operating or riding a non-motorized two or three-wheeled vehicle in any public street, road, alley or other traffic thoroughfare:

1. without obeying all applicable official traffic control devices;

2. other than upon, astride or straddling a regular seat attached thereto;

3. with more persons on it, at any one time, than the vehicle is designed or safely equipped to carry, except that an adult rider

may carry a child securely attached to its person in a back pack or sling;

4. while carrying any package, bundle, or article which obstructs vision or interferes with the proper control of the vehicle;

5. when such person attaches himself/herself or the vehicle to any other vehicle; provided, however, that this provision shall not apply to the depiction of a bicycle trailer or bicycle semitrailer attached to a bicycle if that trailer or semitrailer has been designed for such attachment and when the operation of such a bicycle with such an attachment does not create an unreasonable risk of harm to person or property;

6. unless such vehicle is equipped with reflectors in conformance with § 1512.16 of the "Revised Safety Standards for Bicycles" (16 CFR Part 1512 (1978)) or any successor provision, rule or regulation issued by the Consumer Product Safety Commission and, in addition, a functioning headlamp whenever such person is operating or riding a non-motorized two or three-wheeled vehicle at dawn, dusk or night;

7. while wearing loose clothing or long coats that can catch in pedals, chains or wheels;

8. against the flow of traffic;

9. unless such person exercises proper caution, such as by riding at a reasonable speed and at a reasonable distance from parked cars and the edge of the road, with respect to:

a. car doors opening and cars pulling out into traffic; and,

b. drain grates, soft shoulders and other road surface hazards;

10. in other than single file when travelling with other such vehicles; provided, however, that this provision shall not apply to the depiction of persons riding in other than single file when such behavior does not impede the normal and reasonable movement of traffic and does not create an unreasonable risk of harm to person or property;

11. unless such person exercises proper caution before entering or crossing any public street, road, alley or other traffic thoroughfare from any non-traffic area by first stopping and looking right and left and yielding the right-of-way to all vehicles approaching on such public thoroughfare to the extent necessary to safely enter the flow of traffic;

12. unless such person exercises proper caution before entering or crossing any sidewalk or other pedestrian pathway by first looking right and left and yielding the right-of-way to all pedestrians approaching on such pedestrian pathway.

D. Representing, in any manner, any person operating a minibike in any public street, road, alley or other traffic thoroughfare, unless such operation is lawful under applicable vehicle codes.

II.

It is further ordered that respondent shall forthwith distribute a copy of this Order to each of its operating divisions which engage or shall engage in the preparation or dissemination of advertising.

It is further ordered that respondent notify the Commission at least thirty (30) days prior to any proposed change such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the Order.

It is further ordered that the respondent herein shall, within sixty (60) days after service upon it of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order.

Benton & Bowles, Incorporated, File No. 782–3025

Analysis of Proposed Order To Aid Public Comment

The Federal Trade Commission accepted an agreement to a proposed consent order from Benton & Bowles, Incorporated, under Section 5 of the FTC Act.

The proposed consent order has been placed on the public record for a period of sixty (60) days for reception of comments by interested parties and the public. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

I. *Introduction.* This matter concerns two television advertisements produced and distributed by Benton & Bowles, Incorporated, for AMF, Incorporated. On January 3, 1980, the Commission accepted a consent agreement with AMF, Incorporated, pertaining to these same advertisements. The first advertisement, "Can't Wait," features the Wee version of "Jr. Hot Seat" and the "Evel Knievel MK." It shows two young boys riding their respective vehicles, a bicycle and a tricycle, at a fast speed down their respective driveways and into the adjoining street without slowing down or looking out for cars or other possible dangers to themselves or others. The second advertisement, "Avenger", features a dirt-styled bicycle. It shows one young boy riding the bicycle on a one-way street, then turning onto a sidewalk and into a dirt lot without slowing down or looking left and right, riding at a fast speed over rough and uneven ground in the dirt lot and then turning into an alley without slowing down or looking left and right.

II. *The Proposed Complaint.* The proposed Section 5 complaint contains three charges of deceptive acts or practices. Paragraph Seven of the complaint alleges that the challenged advertisements have the tendency or capacity to influence children to perform stunts, jumps or similar acts on a bicycle or tricycle; to ride or operate a bicycle or tricycle in a public thoroughfare without obeying traffic instructions, signals and signs; and to ride or operate a bicycle or tricycle in a manner contrary to generally recognized standards of safety. Paragraph Seven further alleges that such behavior is harmful or involves an unreasonable risk of harm and is an unfair or deceptive act or practice.

III. *The Proposed Consent Order.* The proposed consent order contains the following paragraphs which prohibit Benton & Bowles, Incorporated, from depicting certain types of behavior in any advertising.

Paragraph I(A). Paragraph I(A) prohibits representing, in any manner, a child who appears to be eight years old or younger riding or operating any non-motorized two or three-wheeled vehicle in any public street, road, alley or other traffic thoroughfare. The provision does not apply when the child is accompanied and supervised by a person who appears to be eighteen years old, or older, who is operating a non-motorized two or three-wheeled vehicle.

Paragraph I(B). Paragraph I(B) prohibits representing, in any manner, any persons performing stunts, jumps, wheelies, or any similar act while riding or operating a non-motorized two or three-wheeled vehicle when such act(s) create(s) an unreasonable risk of harm. The provision does not apply to the depiction of persons using motorcross bikes in an adult-supervised off-the-road setting and in which the participants are shown wearing helmets and where arms, legs, and feet are suitably covered.

Paragraph I(C). Paragraph I(C) prohibits representing, in any manner, any person riding or operating a non-motorized two or three-wheeled vehicle in any public street, road, alley or other thoroughfare:

1. Without obeying all official traffic control devices;

2. Other than upon or astride a regular seat attached thereto;

3. With more persons on it, at any one time, than the vehicle is designed or safely equipped to carry, except that an adult rider may carry a child securely attached to its person in a back pack or sling;

4. While carrying any package, bundle, or article which obstructs vision or interferes with the proper control of the vehicle;

5. When such person attaches himself/herself or the vehicle to any other vehicle; except when the

attachment is designed for use with the two- or three-wheeled vehicle;

6. Unless such vehicle is equipped with reflectors and, in addition, proper lights whenever such person is operating or riding a non-motorized two- or three-wheeled vehicle at dawn, dusk or night.

7. While wearing loose clothing or long coats that can catch in pedals, chains or wheels;

8. Against the flow of traffic;

9. When such person fails to exercise proper caution, such as by riding at a reasonable speed and at a reasonable distance from parked cars and the edge of the road, with respect to:

a. Car doors opening and cars pulling out into traffic; and,

b. Drain grates, soft shoulders and other road surface hazards;

10. In other than single file when travelling with other such vehicles; except when riding in other than single file is lawful, safe, and does not impede traffic;

11. Unless such person exercises proper caution before entering or crossing any public street, road, alley or other traffic thoroughfare from any non-traffic area by stopping and looking left and right before entering or crossing such traffic thoroughfare;

12. Unless such person exercises proper caution before entering or crossing any sidewalk or other pedestrian pathway by looking left and right before entering such pathway and yielding the right-of-way to all approaching pedestrians.

Paragraph I(D). Paragraph I(D) prohibits representing, in any manner, any person riding a minibike in any public street, road, alley or other traffic thoroughfare, unless such operation is lawful under applicable vehicle codes.

Section II. The remaining paragraphs of the proposed order contain fairly standard language required in all Commission orders. These provisions enable the Commission to determine whether the order is being complied with.

IV. *Conclusion.* The purpose of this analysis is to facilitate public comment on the proposed order and is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Carol M. Thomas,

Secretary.

[FR Doc. 80-23380 Filed 8-1-80; 8:45 am]

BILLING CODE 6750-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Monthly and Confirmation Statements; Proposed Rules

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rules.

SUMMARY: The Commodity Futures Trading Commission is proposing to revise § 1.33, which relates to the monthly and confirmation statements that futures commission merchants ("FCMs") must furnish their customers. The proposed revisions would require FCMs to furnish (1) to a commodity trading advisor ("CTA") that controls a client's account, monthly and confirmation statements for the account, and (2) to the individual participants in a commodity pool operated by a commodity pool operator ("CPO") that is not registered as such under the Act, monthly statements for the pool's account. These revisions would supplement and strengthen the customer protection provisions under the Commission's existing regulatory scheme by ensuring that timely trading information is furnished to CTAs and to all pool participants.

DATE: Comments on the proposed rules should be submitted by September 30, 1980.

ADDRESS: Send comments to: Commodity Futures Trading Commission, 2033 K Street N.W., Washington, D.C. 20581. Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT: Barbara R. Stern, Special Counsel, Front Office Audit Unit, Division of Trading and Markets, 2033 K Street N.W., Washington, D.C. 20581, Telephone: (202) 254-8955.

SUPPLEMENTARY INFORMATION: Section 1.33, 17 CFR § 1.33 (1979), relates to the monthly and confirmation statements that FCMs must furnish their customers. Paragraph (a) requires each FCM to furnish to each customer (1) a monthly statement showing the open contracts, net unrealized profits or loss and funds deposited for margin in the customer's account, and (2) a confirmation of each futures transaction caused to be executed by the FCM for that customer. Exemptions from those requirements are set forth in paragraph (b). Where the account is controlled [1] by any person other than the customer for whom the account is carried, paragraph (c) requires the FCM also to furnish to the customer on a monthly basis the net profits or loss on all contracts closed since the date of the previous statement. Paragraph (d) requires the FCM to keep copies of the monthly and confirmation statements in accordance with § 1.31, 17 CFR § 1.31 (1979). For the reasons discussed below, the Commission is proposing to revise paragraph (c) of § 1.33.[2]

A. Proposed § 1.33(c)(1): Reporting to CTA's That Control Clients' Accounts

Section 1.33 does not require an FCM to furnish any information to a CTA that controls the account of the FCM's customer. Without monthly and confirmation statements, a CTA lacks critical and timely information about its client's account—information that tells the CTA what trades were in fact executed for the client and their execution prices.

The current posture of § 1.33 also impedes the Commission's efforts to verify the accuracy of representations made in a CTA's Disclosure Document on the past performance of accounts controlled by the CTA and its principals.[3] Section 4.32(e), 17 CFR 4.32(e) (1979), requires each CTA that must register under the Act to make and keep a "list or other record of all commodity interest accounts of clients controlled by the commodity trading advisor and of all transactions effected therefor." To determine whether this record, and the resultant past performance disclosure, is accurate, the Commission must inspect the monthly and confirmation statements sent by the FCM to the CTA's clients. Under the present rule it is not possible in all instances for the Commission to conduct this type of inspection at the main business office of the CTA, because the FCM is required only to send statements directly to the CTA's clients.[4]

Therefore, the Commission is proposing to amend § 1.33(c) to require each FCM to furnish to a CTA that controls the account of the FCM's customer the same information that the

[1] Section 1.3(j), 17 CFR § 1.3(j), (1979), states that "an account shall be deemed to be controlled by a person if such person by power of attorney or otherwise actually directs trading for such account."

[2] The proposed revisions to paragraph (c) of § 1.33 would necessitate certain conforming changes to paragraphs (a), (b) and (d) of that section. The Commission therefore is setting forth the entire text of § 1.33.

[3] Section 4.31(a)(3), 17 CFR § 4.31(a)(3) (1979). The Commission is also proposing in a separate Federal Register release to amend Part 4 of its regulations, which relates to the operations and activities of CPOs and CTAs.

[4] If the Commission adopts § 1.33(c)(1) as proposed, it will amend § 4.32 to specifically require the CTA to keep the original or a copy of the information furnished to it pursuant to § 1.33(c)(1).

FCM must furnish to the customer. This requirement would be specified in § 1.33(c)(1).

B. Proposed § 1.33(c)(2): Reporting to Participants in Pools Operated by CPO's That are not Registered as Such Under the Act

Section 4.22, 17 CFR § 4.22 (1979), requires each CPO "registered or required to be registered under the Act" to report certain information to each participant in each pool it operates. Under § 4.22(a), the CPO must periodically distribute an Account Statement for the pool. Among other things, the Account Statement must contain information on the pool's net asset value and expenses for the reporting period. The furnishing of the Account Statement is to ensure that participants "have a reasonably current knowledge of the pool's trading performance and operating costs." 44 CFR 1918, 1922 (January 8, 1979). Under § 4.22(c), the CPO must distribute an Annual Report for the pool. The purpose of the Annual Report is to provide participants "with the information necessary to assess the overall trading performance and financial condition of the pool." *Id.*

Sections 4.22(a) and 4.22(c) apply only to CPOs that must register under the Act. Under § 4.13(a), 17 CFR § 4.13(a) (1979), CPOs who operate pools of a certain size or composition are not required to register as such. If a CPO is exempt from registration, then, that CPO is not required to report any information to a participant in a pool that it operates.[5]

Prior to the adoption of §§ 4.22(a) and 4.22(c), § 1.33 required FCMs to periodically report to individual pool participants certain information about their pool's activities.[6] Former § 1.33(c)(2), which applied to "any account carried for or in the name of a pool or combination of persons trading in commodities," required each FCM to furnish to each individual participant in the pool or combination a monthly statement showing the open contracts, net unrealized profits or loss and funds deposited by the CPO for margin in that account. (This is the same information that each FCM currently is required under § 1.33 to furnish only to CPOs.) Section 1.33(c)(2) also required the FCM to show on the statement, or on an accompanying supplemental statement, the net profits or loss on all contracts closed since the date of the previous statement. The Commission deleted § 1.33(c)(2) when it adopted §§ 4.22(a) and 4.22(c).[7]

The Commission believes that all pool participants, regardless of the size or composition of their pool, should receive timely information on their pool's trading activities. Therefore, the Commission is proposing to amend § 1.33(c) to require FCMs to periodically furnish certain information to participants in pools operated by CPOs that are not registered as such under the Act. In effect, this proposal would "readopt" former § 1.33(c)(2), but would make it applicable only to reporting to participants in pools operated by CPOs that are not registered.

In consideration of the foregoing and pursuant to the authority in Section 2(a)(1), 4B, 4C, 4*l*, 4m, 4n, 4*o*, 8a and 19 of the Commodity Exchange Act, 7 U.S.C. 2, 6b, 6c, 6*l*, 6m, 6n, 6*o*, 12a and 23, as amended, 92 Stat. 685 *et seq.*, the Commission hereby proposes to revise Chapter I, Part 1 of Title 17 of the Code of Federal Regulations by revising § 1.33 as follows:

PART 1—GENERAL REGULATIONS

1. Section 1.33 is revised to read as follows:

§ 1.33 Monthly and confirmation statements.

(a) *General requirements.* Except as provided in paragraph (b) of this section, each futures commission merchant shall promptly furnish in writing directly to each customer—

(1) As of the close of the last business day of each calendar month or as of any regular monthly date selected: (i) A statement which clearly shows the open contracts with prices at which acquired, and the ledger balance carried for the customer's account; (ii) a statement which clearly shows the net unrealized profits or loss in all open contracts figured to the market; and (iii) a statement which clearly shows any money, securities or or property which the customer has deposited with the futures commission merchant to margin, guarantee, or secure the account; and

(2) A confirmation of each commodity futures transaction caused to be executed by it for the customer. A commodity futures transaction that is caused to be executed for a commodity pool need be confirmed only to the operator of the commodity pool and not to the participants in the pool.

(b) *Exemptions.* The requirements of paragraphs (a)(1)(i), and (a)(1)(ii), and (a)(2) of this section shall not apply to the following: (1) Any account carried for a person who is a member of any contract market; (2) any omnibus account carried for another futures commission merchant; and (3) any account containing only bona fide hedge positions, except that confirmations must be furnished to accounts containing only bona fide hedge positions.

(c) *Controlled accounts.* (1) *Individual accounts.* With respect to any account controlled by any person other than the customer for whom such account is carried, each futures commission merchant: (i) Shall promptly furnish in writing to such other person the information required by paragraph (a) of this section; and (ii) shall clearly show on each monthly statement furnished to the customer as required by paragraph (a) of this section and to such other person as required by this paragraph (c), or on an accompanyng supplemental statement, the net profits or loss on all contracts closed since the date of the previous statement; *Provided, however,* That the provisions of this paragraph shall not apply to an account controlled by the spouse, parent or child of the customer for whom such account is carried.

(2) *Pool accounts.* With respect to any account carried for or in the name of a commodity pool operated by a commodity pool operator that is not registered as such under the Act, each futures commission merchant: (i) Shall promptly furnish to each individual participating in such pool a copy of the monthly statement provided for by paragraph (a) of this section; and (ii) shall clearly show on such statement, or on an accompanying supplemental statement, the net profits or loss on all contracts closed since the date of the previous statement.

(d) *Recordkeeping.* Each futures commission merchant shall retain, in accordance with § 1.31, a copy of each document required by this § 1.33 to be sent.

Issued in Washington, D.C. on July 30, 1980 by the Commission.

Jane K. Stuckey,

Secretary, Commodity Futures Trading Commission.

[FR Doc. 80-23359 Filed 8-1-80; 8:45 am]

BILLING CODE 6351-01-M

[5] Section 4.13(a) exempts from registration those CPOs whose operation of commodity pools is limited to (i) pools that are essentially clubs or family groups (and that meet other conditions), or (ii) pools that have combined net assets of $50,000 or less and no more than 15 participants in any one pool. The Commission determined to grant these exemptions "because the costs of compliance with the [CPO/CTA] rules outweigh the benefits to be gained from regulating family, club and small pools." 44 Fed. Reg. 1918, 1919.

[6] Sections 4.22(a) and 4.22(c) became effective April 1, 1979. *See* 44 FR 1918 (January 8, 1979).

[7] 44 FR 1918, 1924.

17 CFR Part 4

Revisions of Commodity Pool Operator and Commodity Trading Advisor Regulations; Proposed Rules

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed Rules.

SUMMARY: The Commodity Futures Trading Commission is proposing to revise Part 4 of its regulations, which relates to the operations and activities of commodity pool operators ("CPOs") and commodity trading advisors ("CTAs") (hereinafter the "Part 4 rules" or the "CPO/CTA rules"). The proposed revisions would amend the current regulations under Part 4 and would add new regulations thereunder.

In general, the current regulations under Part 4 exempt certain persons from registration as a CPO or as a CTA; they require CPOs and CTAs that must register to give prospective customers a written Disclosure Document containing specified information and to keep certain trading and other records; they require CPOs that must register to provide pool participants with periodic Account Statements and an Annual Report; and they prohibit CPOs from commingling the property of a pool they operate with their own property or the property of any other person.

Among other things, the proposed revisions to the current regulations would make available to more persons an exemption from registration as a CPO; they would require CPOs and CTAs to respond to each item of information that the Disclosure Document must include; they would amend the specified format for presenting past performance of commodity interest accounts in the Document and would narrow the accounts for which performance must be disclosed; they would require CPOs and CTAs to make and keep available for inspection additional books and records of their activities; and they would substantially amend the information that the Account Statements and Annual Reports must contain.

The new regulations under Part 4 would also specify the manner of preparation for Disclosure Documents and Annual Reports; they would require Disclosure Documents to be filed with the Commission at least 45 days prior to their intended use; they would specifically prohibit CPOs and CTAs from engaging in certain activities; and, under new Subpart D, they would require all actual past performance of CPOs and CTAs to be presented in a uniform specified manner and would prohibit the presentation of simulated or hypothetical performances of CPOs and CTAs.

The proposed revisions to Part 4 will require CPOs and CTAs to furnish more meaningful information to their customers, and will effectuate the Commission's stated intent of having that information presented in a uniform format. In addition, these revisions will ensure that CPOs and CTAs are dealing fairly with their customers and maintaining adequate records of those dealings, and will facilitate the Commission's inspections of the operations and activities of CPOs and CTAs.

DATES: Comments on the proposed rules should be submitted by September 30, 1980.

ADDRESS: Send comments to: Commodity Futures Trading Commission, 2033, K Street N.W., Washington, D.C. 20581. Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT: Barbara R. Stern, Special Counsel, Front Office Audit Unit, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street N.W., Washington, D.C. 20581. Telephone: (202) 254–8955.

SUPPLEMENTARY INFORMATION:

A. Introduction

Rules to regulate CPOs [1] and CTAs [2] were issued by the Commission on January 2, 1979, effective April 1, 1979 (44 FR 1918–1929 (January 8, 1979)). Those rules were adopted after considering the comments on prior proposals, the information derived from CPO and CTA registration applications and supplemental questionnaires, and the recommendations from the Commission's Advisory Committee on Commodity Futures Trading Professionals.[3] During the past year, there has been a significant increase in the use of commodity interest account management [4] by both professionals and their customers. The Commission also has had substantial experience in monitoring the implementation of and compliance with the CPO/CTA rules. The revisions the Commission is now proposing are based on that growth and experience.[5]

In April 1979, when the rules became effective, there were 619 persons registered as CPOs and 976 persons registered as CTAs. In April 1980, one year later, these numbers had grown to 786 registered CPOs, an increase of 27%, and 1,341 registered CTAs, an increase of 37%. Similarly, the number of customers and the amount of funds under management by CPOs and CTAs have increased dramatically.

With this rapid growth, however, there has been an increase in abusive activity in commodity interest account management. The proposed regulations, particularly those proscribing certain activities, are intended to respond to those abuses and to ensure that CPO and CTA customers are treated fairly, in accordance with the Commodity Exchange Act, as amended (the "Act") and the rules and regulations thereunder.

B. Impact of Proposed Changes

For several reasons, the Commission does not expect the proposed revisions to increase significantly the regulatory burdens for CPOs and CTAs. In fact, as discussed below, the proposals would relieve CPOs from certain existing requirements and would simplify compliance with certain others.

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[1] A commodity pool operator is any person engaged in a business which is of the nature of an investment trust, syndicate, or similar form of enterprise, and who, in connection therewith, solicits, accepts, or receives from others, funds, securities, or property, either directly or through capital contributions, the sale of stock or other forms of securities, or otherwise, for the purpose of trading in any commodity for future delivery on or subject to the rules of any contract market, but does not include such persons not within the intent of this definition as the Commission may specify by rule or regulation or by order. Section 2(a)(1) of the Commodity Exchange Act, 7 U.S.C. 2 (1976), as amended by the Futures Trading Act of 1978, Pub. L. No. 95–405, 92 Stat. 865 *et seq.* (September 30, 1978).

[2] A commodity trading advisor is any person who, for compensation or profit, engages in the business of advising others, either directly or through publications or writings, as to the value of commodities or as to the advisability of trading in any commodity for future delivery on or subject to the rules of any contract market, or who for compensation or profit, and as part of a regular business, issues or promulgates analyses or reports concerning commodities; but does not include (i) any bank or trust company, (ii) any newspaper reporter, newspaper columnist, newspaper editor, lawyer, accountant, or teacher, (iii) any floor broker or futures commission merchant, (iv) the publisher of any bona fide newspaper, news magazine, or business or financial publication of general and regular circulation including their employees, (v) any contract market, and (vi) such other persons not with the intent of this definition as the Commission may specify by rule, regulation, or order: *Provided,* That the furnishing of such services by the foregoing persons is solely incidental to the conduct of their business or profession. *Id.*

[3] *See Report of the Commodity Futures Trading Commission Advisory Committee on Commodity Futures Trading Professionals,* August 5, 1976 [CCH Comm. Fut. L. Rep., No. 29, Part II, August 20, 1976).

[4] As used in this release, the term "commodity interest account management" includes both the operation of commodity pools by CPOs and the management of individual commodity interest accounts by CTAs.

[5] Because of the number of proposed regulations involved, it would assist the Commission if commentors would, to the extent possible, specify the section and paragraph to which a comment is directed.

To the extent, however, that the proposals do increase the regulatory burdens, the Commission believes the proposals are justified by the protections they will afford in ensuring that CPO and CTA customers are treated fairly. Moreover, the Commission believes that many of the proposed revisions do no more than make uniform what should be customary and ordinary practices for every responsible CPO and CTA.

The Commission does not anticipate that the proposed revisions to the Disclosure Document regulations will increase regulatory costs to CPOs and CTAs. Currently, CPOs and CTAs are required to prepare and to distribute Disclosure Documents to prospective customers. The proposals would specify for CPOs and CTAs the information that must be in the Disclosure Documents, would narrow the amount of past performance disclosure currently required and would assist in ensuring that a prospective customer receives meaningful information before placing its commodity interest account under management with the CPO or CTA.

Similarly, the proposed revisions to the CPO reporting requirements are not expected to increase regulatory costs. Since these revisions streamline the reporting requirements, they should serve to facilitate compliance therewith.

The Commission believes that most of the activities prohibited by the proposed revisions would not impose any regulatory burdens on CPOs and CTAs because those activities already are prohibited by the Act. The Commission is aware of the theoretical argument that a prohibition on hypothetical or simulated performances of CPOs and CTAs could impede the successful entry into the commodity interest account management field of an otherwise qualified person who has had no acutal experience trading commodity interests. However, the Commission has found the use of hypothetical and simulated models to constitute a major area of large-scale customer abuse. Therefore, the ban appears to be necessary to adequately protect commodity customers from misleading performance claims—particularly claims made by persons with limited experience in the management of commodity interest accounts. The Commission specifically requests interested persons to submit alternative proposals to regulate the advertising of actual and hypothetical performances by CPOs and CTAs.

C. Notice of Further Rulemaking

In addition, the Commission is also proposing to adopt certain other amendments to its CPO/CTA regulations. Set forth below is a narrative discussion of the other amendments that the Commission is proposing at this time as well as certain issues on which the Commission seeks comment. The Commission has not yet formulated specific language to implement these proposals and, accordingly, the proposals are not reflected in the text of the amendments reprinted at the end of this notice.

The Commission is actively considering requiring a futures commission merchant ("FCM") to furnish a Disclosure Document to prospective customers for a program whereby the FCM manages the customer's commodity interest account. Currently, an FCM is required only to furnish a customer with a prescribed Risk Disclosure Statement before opening up a commodity interest account for him. *See* § 1.55, 17 CFR § 1.55 (1979). The activities of the FCM in connection with the management of individual commodity interest accounts of customers may be so similar to those of a CTA, however, that similar disclosure rules may be warranted. Therefore, the Commission is considering requiring those FCMs that offer account management programs to individual customers to furnish Disclosure Documents. The Commission invites interested persons to submit comments which will assist in the determination of this issue. Specifically, the Commission invites comments on the nature of an account management program that would require a Disclosure Document and the information, including past performance, that should be included therein.

Also, the Commission is actively considering requiring a CPO to maintain all of the assets of its pool—whether received through contributions from pool participants, profits from trading commodity interests, or otherwise—in the United States. Such a requirement would assist the Commission in determining whether pool funds were being treated in accordance with the Part 4 rules and would ensure that those funds are readily available to satisfy participants' redemption requests. The Commission likewise invites interested persons to submit comments which will assist in the determination of this issue.

Finally, the Commission notes that the expansion of commodity interest account management has brought an increased use of non-clerical employees and agents of CPOs and CTAs to solicit pool participants, operate pools, obtain clients, formulate commodity advice, etc. These persons can have a direct and important effect upon the prospective and actual customers of CPOs and CTAs. Therefore, the Commission is considering adopting rules that would implement and facilitate the registration of non-clerical employees and agents of CPOs and CTAs. Interested persons are requested to submit comments which will assist in the formulation of such rules.

D. Section-by-Section Analysis

1. *Exemption from Registration.* Section 4.13(a) exempts from registration as a CPO those pool operators whose operation of commodity pools is limited to (1) pools that are essentially clubs or family groups (and that meet other specified conditions), or (2) pools that have combined net assets of $50,000 or less and no more than 15 participants in any one pool.

The Commission is proposing to amend § 4.13(a)(2) to make the exemption form registration specified therein available to more persons. Specifically, the proposed revision would exempt from registration as a CPO a person who accepts no more than $100,000 in gross receipts for the purchase of interests in the only pool it operates, or $200,000 in such gross receipts for all the pools it operates, so long as each pool has no more than 15 participants. The revision also would make the exemption available to more persons by excluding from the computation of participants the principals of the pool's CPO and CTA and certain persons who would have immediate access to the participant. Further, the revised definition of the term "pool" in § 4.10(d) would serve to exclude more persons from the term "commodity pool operator," and consequently from registration as a CPO, by specifying that a pool is an entity operated for the purpose of trading commodity interests.

Several new provisions would be added to § 4.13. Under paragraph (b), any person exempt from registration as a CPO who has not registered as such must disclose that fact in a prescribed statement to a prospective participant prior to solicitation. Paragraph (c) would require each person that applies for initial registration as a CPO to include with its application financial statements and other information for each pool it operates.[6] Paragraph (d) would make any person who registers as a CPO subject to the Part 4 rules

[6] If proposed § 4.13(c) is adopted, a corresponding conforming change will be made to Schedule C of Form 7–R, "Supplement to Application for Registration as a Commodity Pool Operator."

notwithstanding the availability of an exemption from registration.

Finally, § 4.15 would be revised to make clear that the antifraud and reparations sections of the Act, sections 4*o* and 14, respectively, continue to apply to all persons exempt from registration as a CPO or as a CTA.

2. *Disclosure.* Section 4.21(a) and 4.31(a), respectively, require all CPOs who must register under the Act and certain CTAs who must register to furnish a Disclosure Document to prospective customers.

a. *Revisions to Current Rules.* (1) *Technical revisions.* The proposed revisions would reorganize the text of the rules by specifically itemizing the information that the Disclosure Document must contain. (Sections 4.21(a) (1), (2), (3), (5), (6), (9), (10), (12), (13), and (15) for CPOs and §§ 4.31(a) (1), (2), (5), (6) and (7) for CTAs.) For example, §§ 4.21(a)(1) and 4.31(a)(1) would specifically itemize the persons for whom information must be furnished thereunder.

To ensure that nothing is left to presumption, the proposals would require a response, whether in the affirmative or in the negative, to each item of information that the Disclosure Document must contain. (Sections 4.21(a) (3), (5), (6), (8), (10), (13) and (15) for CPO and §§ 4.31(a) (5), (6), and (7) for CTAs.) Pursuant to these proposals, a CPO under § 4.21(a)(3) and a CTA under §§ 4.21(a)(3) and a CTA under §§ 4.31(a)(5) would have to state whether or not a conflict of interest existed on the part of each person specified in the rule.

The Commission's experience with descriptions of fees and expenses in Disclosure Documents generally has been that those descriptions are inadequate. The proposed revisions to § 4.21(a)(7) for CPOs and § 4.31(a)(4) for CTAs would amplify the existing texts of the rules that require disclosure of fees and expenses. (Other rules that would be similarly revised are §§ 4.21(a) (1), (2), (3), (6), (9) and (10) for CPOs and §§ 4.31(a) (1), (2), (4) and (5) for CTAs.)

(2) *Substantive revisions.* Similarly, to provide prospective customers with more complete and meaningful disclosure, the Commission is proposing to amend certain Disclosure Document rules to require the information specified thereunder to be disclosed for certain additional persons. (Sections 4.21(a)(1) and (13) for CPO and § 4.31(a)(1) for CTAs.) Thus, under § 4.21(a)(1) a CPO would be required to disclose the name of the FCM through which the pool will execute its trades and under § 4.31(a)(1) a CTA would be required to disclose the name of the FCM with which a client would be required to maintain its commodity interest account.

The most significant proposed revisions to the current Disclosure Document rules concern the presentation of past performance of commodity interest accounts. (Sections 4.21(a)(4) and (5) for CPOs and § 4.31(a)(3) for CTAs.) The revisions would change both the manner of presenting past performance and the commodity interest accounts for which that performance must be disclosed.

Currently, past performance disclosure must include the annual rate of return (compounded annually) for the commodity interest account and a table of its net asset values. The Commission adopted the annual rate of return (compounded annually) format to require that past performance be presented in an understandable and meaningful manner to prospective customers and in a uniform format that would enable members of the public to compare the performance of different commodity interest accounts and to compare those accounts with other financial investments. *See* 44 FR 1921. Experience with this format indicates that it is not, however, completely fulfilling its purposes. Therefore, a less complex approach to the presentation of past performance, which may sacrifice comparability but which is more readily understood, appears warranted.

Under the proposed revisions, the past performance of a commodity interest account would be displayed in a table showing for the performance period: (1) Beginning net assest value; (2) all additions, withdrawals and redemptions during the period; (3) net performance; (4) ending net asset value; and (5) the rate of return, which would be calculated by dividing net performance by beginning net asset value. (Proposed §§ 4.21(a)(4)(i)(A) through (F).)

Currently, the table of net asset values of a commodity interest account must be presented monthly if the account had net assets of more than $500,000 at the beginning of the fiscal year for which performance is disclosed, and otherwise at least quarterly. This requirement has led to Disclosure Documents which contain lengthy, often cumbersome, performance tables. Based upon experience with the past performance rules, it appears that not all prospective customers would give close and careful attention to such lengthy tables. In an effort to reduce the volume of required past performance information and thereby make such information more useful and meaningful to prospective customers, the Commission is proposing to reduce the required frequency of past performance information to quarterly from monthly. (Proposed § 4.21(a)(4)(i).)

The second area of revision to the past performance rules concerns the commodity interest accounts for which past performance must be disclosed. Under the current rules, a CPO must disclose the past performance of the pool, of all other pools operated by it or by any of its principals and of all other pools advised by the pool's CTA or by any of its principals. As the experience of commodity interest account managers has grown, there has been a corresponding increase in the number of pages on performance information necessary to disclose that experience. This requirement has thus produced the same unanticipated results as that of the requirement to disclose a table of monthly net asset values. The proposed revisions to the past performance rules would, therefore, narrow the number of commodity interest accounts for which past performance must be disclosed. (Proposed §§ 4.21(a)(4)(ii), 4.21(a)(4)(iii), and 4.21(a)(5)(iv) for CPOs and §4.31(a)(3)(i) for CTAs.)[7] Also, under the proposed revisions, CPOs would have discretion to disclose the past performance of the pool's CTA and its principals. (Proposed § 4.21(a)(4)(iii).) CTAs, however, would be required to disclose their past performance in their Disclosure Documents. (Proposed § 4.31(a)(3).)

The Commission also proposes to revise the Risk Disclosure Statement and Cautionary Statement that must be made in the Disclosure Document. (Sections 4.21(a) (17) and (18) for CPOs and §§ 4.21(a) (7) and (8) for CTAs.)[8] Among other things, these revisions would require the Risk Disclosure Statement to apprise prospective customers of the potential for substantial fees and expenses incident to commodity interest account management, and the Cautionary Statement to disclaim Commission approval of the account management

[7] To reduce the number of accounts for which past performance must be disclosed, the definition of the term "control" in current § 4.32(e) would be deleted and a new definition of "control" would be added in new § 4.10(f), a definition of the term "managed account program" would be added in new § 4.10(g), and CPOs and CTAs would be allowed to present past performance on a composite basis (proposed § 4.21(a)(5)(iv) for CPOs and § 4.31(a)(1)(B) for CTAs). The Commission specifically invites comments on these proposals and, in particular, on what information should be required to be disclosed for a composite of past performance.

[8] The revisions would add a new requirement that CTAs furnish information on material adverse action against the CTA, the FCM through which the customer must place its account, or any of their principals. This requirement would be specified in new § 4.31(a)(6), and current §§ 4.31(a) (6)and (7) would be redesignated as new §§ 4.31(a) (7) and (8), respectively.

program for which the Disclosure Document is being distributed.

b. *New Disclosure Rules.* The Disclosure Document is intended to provide protections for commodity customers—particularly those who are unsophisticated in financial matters—by ensuring that they are informed about material facts before committing their funds. *See* 44 FR 1920. The Commission has found that many Disclosure Documents are not fulfilling this purpose, however, because of the manner of their preparation. For example, in a number of "Disclosure Documents" required information has been hidden among—and sometimes behind—sales and promotional information, or has been not in the Document but in other material that is given to the customer sometime subsequent to the furnishing of the Disclosure Document.

To remedy these and other similar abuses, the new disclosure rules would specify a uniform manner of preparation for all Disclosure Documents (proposed § 4.1); would require each Document to be dated (proposed § 4.21(c) for CPOs and § 4.31(c) for CTAs); would exclude promotional material from, and would require promotional material to be distributed no earlier than concurrently with, the Disclosure Document (proposed § 4.21(d) for CPOs and § 4.31(d) for CTAs); and would require a receipt for the Document (proposed § 4.21(e) for CPOs and § 4.31(e) for CTAs). Most significantly, the Disclosure Document would be required to be filed with the Commission not less than 45 days prior to the date of its first intended usage. (Proposed § 4.21(h) for CPOs and § 4.31(h) for CTAs.) If the Commission notifies the CPO or CTA within those 45 days that the Document does not comply with the applicable disclosure rules, the Act or the other regulations thereunder, the CPO or CTA may not use the Document. If the Commission did not give such notification, the CPO or CTA could use the Document.

The Commission may not conduct a thorough review of each Disclosure Document pre-filed with it. Therefore, the Commission emphasizes that under the proposal the fact that a Disclosure Document had been pre-filed could not be taken by CPOs, CTAs and their prospective customers to mean that the Commission had approved the Document. In fact, as noted above, each CPO and CTA would be required to state on the cover page of its Disclosure Document that the Commission had not passed upon the adequacy or accuracy of the Document. (Section 4.21(a)(18) for CPOs and § 4.31(a)(9) for CTAs.) Also, as is specified in the proposal, failure by the Commission to notify a CPO or CTA that its Document does not comply with the applicable disclosure rules, the Act or the other regulations thereunder would not be deemed to mean that the Document so complied.

To ensure that prospective customers receive current performance and other information, the rules would also specify the period of time within which the Disclosure Document could be used. (Proposed § 4.21(f) for CPOs and § 4.31(f) for CTAs.) Also, CPOs would be required to furnish with the Disclosure Document the most current Account Statement and Annual Report for the pool. (Proposed § 4.21(g).) The proposed rules would increase to 21 days the period of time within which a material inaccuracy of inadequacy in the Document must be corrected, but would make it unlawful to use the Document until that correction was made. (Proposed § 4.21(b) for CPOs and § 4.31(b) for CTAs.)

3. *CPO Reporting Requirements.* a. *Account Statements.* Under § 4.22(a) each CPO that must register under the Act must periodically distribute an Account Statement to each participant in each pool it operates. Section 4.22(b) provides that the Account Statement must be distributed at least monthly in the case of pools with net assets of more than $500,000 at the beginning of the pool's fiscal year and otherwise at least quarterly.

The proposed rules would substantially change the information required in the Account Statements by requiring those reports to be presented in the form of a Statement of Income (Loss) and a Statement of Changes in Net Asset Value for the reporting period. The current requirements as to frequency of distribution would be maintained.

b. *Annual Reports.* Under § 4.22(c), each CPO that must register under the Act must distribute an Annual Report to each participant in each pool it operates within 60 days after the end of the pool's fiscal year.

Under the proposed rules, the information required to be included in the Annual Report would be streamlined. Like Disclosure Documents, all Annual Reports woul be required to be prepared in a uniform manner. (Proposed § 4.1.) Under current rules, a certified Annual Report is not required for a pool with a net asset value of $50,000 or less during the first half of the pool's fiscal year, and an Annual Report is not required at all in the case of a pool operated by a CPO exempt from registration. Because of the expanded exemption from registration as a CPO (§ 4.13(a)(ii), *supra*), all Annual Reports of pools operated by CPOs that must register would be required to be certified (§ 4.22(d)). The proposed revisions also would increase to 90 days the period of time within which the Annual Report must be distributed, and would establish a procedure whereby a CPO may request an extension of time within which to distribute the Annual Report. (Proposed § 4.22(g)).[9]

4. *Recordkeeping Requirements.* Sections 4.23 and 4.32 respectively require each CPO and CTA that must register under the Act to make and keep certain books and records.

The recordkeeping rules would be reorganized to specify the information that CPOs and CTAs must make and keep. To ensure that the Commisison has meaningful access to this information, the rules would be revised to require those CPOs and CTAs whose main business offices are outside the United States to provide the Commission with such books and records as it requests within 24 hours after receipt of the request. Also, these rules would require CPOs and CTAs to make and keep certain additional records of their activities. Under proposed § 4.23(b)(3), a CPO would be required to make and keep books and records of all other transactions in all other activities in which it engages, and under proposed § 4.32(b)(3), a CTA would be required to make and keep books and records of all other transactions in all other business dealings in trading commodity interests and of all cash market transactions in which the CTA and each principal thereof engages.

5. *Prohibited Activities.* Under section 4*o*(2) of the Act, CPOs and CTAs are prohibited from representing that they have been approved or that their qualifications or abilitiees have been passed upon by the Federal government or any agency or officer thereof. Because this prohibition provides such significant protection to commodity customers from misleading claims, the proposed revisions would make section 4*o*(2) applicable to the principals of CPOs and CTAs and to persons who solicit on behalf of CPOs and CTAs. (Propose § 4.16.)

Under new Subpart D of the CPO/CTA rules, advertising standards for presenting the past performance of CPOs and CTAs would be established. The actual past performance of a CPO,

[9] This proposed rule is patterned after § 1.16(f), 17 CFR 1.16(f) (1979), which specifies a procedure whereby FCMs may, apply for an extension of time within which to file required certified financial statements and schedules with the Commission.

CTA, or the principals thereof could not be presented in a format other than that in which the CPO or CTA would have to present actual past performance in its Disclosure Document. (Proposed § 4.41). The presentation of hypothetical or simulated performances of a CPO, CTA, or the principals thereof would not be permited. (Proposed § 4.42.)[10] These prohibitions would apply regardless of whether the CPO or CTA is exempt from registration. As noted above, the Commission specifically invites comments on an alternatives to these proposals.

Other proposed rules would proscribe specific activities for CPOs and specific activities for CTAs. The Commission, through investigations and enforcement proceedings, is aware of several instances in which the operation of a pool in a CPOs name and the commingling of pool property have resulted in abuses of customters' funds. Therefore, the proposed rules would prohibit a CPO from operating a pool in its own name (proposed § 4.20(a)) and, without exception, from commingling the property of any pool that it operates with the property of any other person (proposed § 4.20(b)).[11] A CTA would be prohibited from accepting money from a customer in its own name to margin, guarantee or secure a commodity interest unless registered as an FCM under the Act. (Proposed § 4.30).

In consideration of the foregoing and pursuant to the authority contained in section 2(a)(1), 4b, 4c, 4*l*, 4m, 4n, 4*o*, 8a and 19 of the Commodity Exhange Act, 7 U.S.C. 2, 6b, 6c, 6*l*, 6m, 6n, 6*o*, 12a and 23, as amended, 92 Stat. 865 *et seq.*, the Commisison hereby proposes to revise Chapter I, Part 4 of Title 17 of the Code of Federal Regulations as follows:

1. By revising Part 4 to read as follows:

[10] This prohibition is discussed at Part B, *supra.*

[11] Currently, § 4.24(a) prohibits commingling except under the conditions specified in § 4.24(b). (Proposed § 4.20(b) would delete the exception and would retain all the other language of § 4.24(a).) Section 4.24(b) allows a CPO to commingle the property of a pool it operates with the property of any other pool(s) it operates, "except that no commodity pool operator may commingle the property of separate pools in commodity interest accounts that are jointly or similarly held." The Commission recognizes that a CPO may have availed itself of the exception to its pools' advantage and that it therefore would like to continue to commingle its pools' property in the currently authorized manner. The Commisison wishes to emphasize that even givern the proposed prohibition, a CPO could petition the Commission for an exemption under § 4.12 to commingle its pools' property in the previously authorized manner.

PART 4—COMMODITY POOL OPERATORS AND COMMODITY TRADING ADVISORS

Subpart A—General Provisions, Definitions and Exemptions

Sec.

4.1 Requirements as to form.
4.2 Requirements as to filing.
4.3–9 [Reserved].
4.10 Definitions.
4.11 Exemption from section 4n(3)(B).
4.12 Exemption from provisions of Part 4.
4.13 Exemption from registration as a commodity pool operator.
4.14 Exemption from registraiton as a commodity trading advisor.
4.15 Continued applicability of antifraud and reparation sections.
4.16 Prohibited representations.

Subpart B—Commodity Pool Operators

4.20 Prohibited activities.
4.21 Disclosure to prospective pool participants.
4.22 Reporting to pool participants.
4.23 Record-keeping.

Subpart C—Commodity Trading Advisors

4.30 Prohibited activities.
4.31 Disclosure to prospective clients.
4.32 Record-keeping.

Subpart D—Advertising

4.40 [Reserved].
4.41 Actual performance of commodity interest accounts.
4.42 Simulated or hypothetical performance of commodity interest accounts or transactions.

Authority: Secs; 2(a)(1), 4b, 4c, 4*l*, 4m, 4n, 4*o*, 8a and 19. Commodity Exchange Act (7 U.S.C. 2, 6b, 6c, 6*l*, bm, 6n, 6*o*, 12a, and 23, as amended), 92 Stat. 865 *et seq.*

Subpart A—General Provisions, Definitions and Exemptions

§ 4.1 Requirements as to form.

(a) Each Disclosure Document and Annual Report distributed pursuant to this Part 4 must be prepared in the following manner:

(1) It must be prepared on good quality, unglazed, white papper approximately 8½ by 11 inches or approximately 8½ by 13 inches in size; *Provided, however,* that tables, charts and financial statements may be on larger paper if folded to that size.

(2) It must be printed, lithographed, mimeographed or typewritten.

(3) Except as provided in § 4.1(b), the body, including all notes to financial statements and other tabular data, must be in roman type at least as large and as legible as 10-point modern type and leaded at least 2 points; *Provided, however,* that financial statements and other tabular data, including tabular data in notes, may be in roman type at least as large and as legible as 8-point modern type and leaded at least 2 points.

(4) It must be bound.

(b) Information that is required to be "prominently" disclosed under this Part 4 must be displayed in capital letters and in boldface roman type at least as large and as legible as 10-point modern type and leaded at least 2 points.

§ 4.2 Requirements as to filing.

(a) All material filed with the Commission under this Part 4 must be filed with the Commission at its Washington, D.C. office (Att: Front Office Audit Unit, Division of Trading and Markets, C.F.T.C., 2033 K Street N.W., Washington, D.C. 20581).

(b) All such material shall be considered filed when received by the Commission at the address specified in § 4.2(a).

§§ 4.3–9 [Reserved]

§ 4.10 Definitions.

For purposes of this part:

(a) "Commodity interest" means

(1) any contract for the purchase or sale of a commodity for future delivery; and

(2) any contract, agreement or transaction subject to Commission regulation under sections 4c or 19 of the Act.

(b) "Net asset value" means total assets minus total liabilities, determined in accord with generally accepted accounting principles, with each position in a commodity interest accounted for at fair market value.

(c) "Participant" means any person that has any direct financial interest in a pool (*e.g.*, a limited partner).

(d) "Pool" means any investment trust, syndicate or similar form of enterprise operated for the purpose of trading commodity interests.

(e) "Principal," when referring to a person that is a principal of a particular entity, means any general partner or director or officer (or person performing similar functions) of the entity, or any owner of more than 10 percent of the equity interest of the entity. "Equity interest" means any financial interest that permits the owner thereof to exercise direct or indirect control of the entity in which the interest is held. "Owner" includes not only the holder of record of the equity interest but also any person that has control over the equity interest.

(f) "Control," as used in the context of trading commodity interest accounts, refers to agreements whereby a person is authorized to cause transactions to be effected for a client's commodity interest account without the client's specific authorization.

(g) "Managed account program" refers to the program pursuant to which a person (1) controls a client's commodity interest account, or (2) guides the

client's commodity interest trading by means of a systematic advisory program that recommends specific transactions.

(h) A pool shall be deemed to be "formed" as of the date its operator first receives funds, securities or other property for the purchase of an interest in the pool.

§ 4.11 Exemption from section 4n(3)(B).

The provisions of section 4n(3)(B) of the Act shall not apply to any commodity pool operator or commodity trading advisor that is registered under the Act as such or that is exempt from such registraiton.

§ 4.12 Exemptions from provisions of Part 4.

The Commission may exempt any person or any class or classes of persons from any provision of this Part 4 if it finds that the exemption is not contrary to the public interest and the purposes of the provision from which the exemption is sought. The Commission may grant the exemption subject to such terms and conditions as it may find appropriate.

§ 4.13 Exemption from registraiton as a commodity pool operator.

(a) A person is not required to register under the Act as a commodity pool operator if—

(1)(i) It does not receive any compensation or other payment, directly or indirectly, for operating the pool, except reimbursement for the ordinary administrative expenses of operating the pool; (ii) it operates only one commodity pool at any time; (iii) it is not otherwise required to register with the Commission and is not a business affiliate of any person required to register with the Commission; and (iv) neither the person nor any other person involved with the pool does any advertising in connection with the pool (for purposes of this section, advertising includes the systematic solicitation of prospective participants by telephone or seminar presentation); or

(2)(i)(A) It operates or intends to operate one pool, the gross receipts for units of participation in that pool do not exceed $100,000, or (i)(B) it operates or intends to operate more than one pool, the total gross receipts for units of participation in those pools in the aggregate do not exceed $200,000, and (ii) none of the pools operated by it has more than 15 participants at any time. For purposes of computing the number of participants for this paragraph (a)(2)(ii), the following participants shall be excluded: (A) the pool's operator, commodity trading advisor, and the principals thereof; and (B) any relative, spouse or relative of such spouse living in the same household as such participant.

(b) No person who is exempt from registration as a commodity pool operator under § 4.13(a)(1) or § 4.13(a)(2) and who is not registered as such pursuant to that exemption may, directly or indirectly, solicit, accept or receive funds, securities or other property from any prospective participant in a pool that it operates or that it intends to operate unless, on or before the date it engages in that activity, the person delivers or causes to be delivered to the prospective participant a written statement that must disclose this fact as follows: "The commodity pool operator of this pool is not required to register, and has not registered, with the Commodity Futures Trading Commission. Therefore, unlike a registered commodity pool operator, this commodity pool operator is not required to furnish a Disclosure Document, periodic Account Statements, and an Annual Report to participants in the pool." The person must describe in the statement the exemption pursuant to which it is not registered as a commodity pool operator and must manually sign the statement.

(c) Each person who applies for registration as a commodity pool operator must include with its initial application the financial statements and other information required by § 4.22(c)(1) through (5) for each pool it operates when such application is made. That information must be presented and computed in accordance with generally accepted acocunting principles consistently applied and must be certified by an independent public accountant in accordance with § 1.16, subject to the exceptions stated in §§ 4.22(d)(1) through (3). If the person is granted registration as a commodity pool operator, it must comply with this Part 4 with respect to each pool it operates. The provisions of this paragraph (c) shall apply even though such person was exempt from registration as a commodity pool operator pursuant to the provisions of paragraph (a) of this section at the time it applied for registration.

(d) If a person exempt from registration under the Act as a commodity pool operator under § 4.13(a)(1) or § 4.13(a)(2) registers as a commodity pool operator, that person must comply with this Part 4 as if such person were not exempt from registraiton as a commodity pool operator.

§ 4.14 Exemption from registration as a commodity trading advisor.

(a) A person is not required to register under the Act as a commodity trading advisor if—

(1) it is a dealer, processor, broker, or seller in cash market transactions of any commodity (or product thereof) and the person's commodity trading advice is solely incidental to the conduct of its cash market business;

(2) it is a non-profit, voluntary membership, trade association or farm organizaiton and the person's commodity trading advice is solely incidental to the conduct of its business as such association or organization;

(3) it is registered under the Act as an associated person and the person's commodity trading advice is issued solely in connection with its employment as an associated person; or

(4) it is registered under the Act as a commodity pool operator and the person's commodity trading advice is directed solely to, and for the sole use of, the pool or pools for which it has so registered.

(b) For purposes of this § 4.14, "cash market transactions" shall not include transactions involving contracts for the purchase or sale of a commodity for future delivery or transactions subject to Commission regulation under sections 4c or 19 of the Act.

§ 4.15 Continued applicability of antifraud and reparation sections.

The provisions of sections 4*o* and 14 of the Act shall apply to any person even though such person is exempt from registration under this Part 4, and it shall continue to be unlawful for any such person to violate section 4*o* of the Act.

§ 4.16 Prohibited representations.

It shall be unlawful for any commodity pool operator, commodity trading advisor, principal thereof or person who solicits therefor to represent or imply in any manner whatsoever that such commodity pool operator or commodity trading advisor has been sponsored, recommended or approved, or that its abilities or qualifications have in any respect been passed upon, by the Commission, the Federal government or any agency thereof.

Subpart B—Commodity Pool Operators

§ 4.20 Prohibited activities.

(a) No commodity pool operator may operate a pool in the pool operator's name.

(1) A commodity pool operator must operate its pool as an entity cognizable

as a legal entity separate from that of the pool operator.

(2) All funds, securities or other property received by a commodity pool operator from an existing or prospective pool participant for the purchase of an interest or as an assessment (whether voluntary or involuntary) on an interest in a pool that it operates or that it intends to operate must be received in the pool's name.

(b) No commodity pool operator may commingle the property of any pool that it operates or that it intends to operate with the property of any other person.

§ 4.21 Disclosure to prospective participants.

(a) No commodity pool operator registered or required to be registered under the Act may, directly or indirectly, solicit, accept or receive funds, securities or other property from a prospective participant in a pool that it operates or that it intends to operate unless, on or before the date it engages in that activity, the commodity pool operator delivers or causes to be delivered to the prospective participant a Disclosure Document for the pool, in such form as the Commission may prescribe, containing the following information:

(1) (i) The name, address of the main business office, main business telephone number and form of organization, including capital structure, of the pool. If the address of the main business office is a post office box number, the pool operator must state where the pool's books and records will be kept;

(ii) The name, address of the main business office, main business telephone number and form of organization, including capital structure, of the commodity pool operator. If the address of the main business office is a post office box number, the pool operator must state where its books and records will be kept;

(iii) The name of each principal of the pool operator;

(iv) The name of the pool's commodity trading advisor;

(v) The name of each principal of the trading advisor;

(vi) The name of the person who will make the trading decisions for the pool; and

(vii) The name of the futures commission merchant through which the pool will execute its trades.

(2) The business background, for the five years preceding the date of the Document, of:

(i) The commodity pool operator;

(ii) Each principal of the pool operator;

(iii) The pool's commodity trading advisor; and

(iv) Each principal of the pool's commodity trading advisor.

The pool operator must include in the description of the business background of each such person the name and main business of that person's employers, business associations or business ventures and the nature of the person's duties performed for the employers or in connection with the associations or ventures.

(3) (i) Any actual or potential conflict of interest regarding any aspect of the pool on the part of:

(A) The commodity pool operator;

(B) Any principal of the pool operator;

(C) The pool's commodity trading advisor;

(D) Any principal of the trading advisor;

(E) Any futures commission merchant through which the pool's trades will be executed; or

(F) Any principal of the futures commission merchant. Included in the description of such conflict shall be any arrangement whereby the commodity pool operator, commodity trading advisor, or the principals thereof may benefit, directly or indirectly, from the maintenance of the pool's account with a futures commission merchant.

(ii) If there is any such actual or potential conflict of interest, the pool operator must describe the nature of the conflict.

(iii) If there is no such actual or potential conflict of interest on the part of any of the foregoing persons, the pool operator must make a statement to that effect with respect to each such person.

(4) The actual performance of each pool for which disclosure is required as specified below.

(i) The presentation of actual performance must be displayed in a table showing at least quarterly the following information, current as of a date not more than three months preceding the date of the Document:

(A) The beginning net asset value for the period, which shall represent the previous quarter's ending net asset value;

(B) All additions, whether voluntary or involuntary, during the period;

(C) All withdrawals and redemptions, whether voluntary or involuntary, during the period;

(D) The net performance for the period, which shall represent the change in the net asset value net of additions, withdrawals and redemptions;

(E) The ending net asset value for the period, which shall represent the beginning net asset value plus or minus additions, withdrawals and redemptions, and net performance; and

(F) The rate of return for the period, which shall be calculated by dividing the net performance by the beginning net asset value.

(ii) The commodity pool operator must comply with this § 4.21(a)(4)(ii) as follows: If commodity interests have been traded by the pool for which the commodity pool operator is soliciting participants, the pool operator must comply with (A) below if that trading has been for 12 months or more preceding the date of the Disclosure Document, or with (B) below if that trading has been for less than 12 months preceding the date of the Document. If commodity interests have not been traded by the pool for which the pool operator is soliciting participants, the pool operator must comply with (C) below.

(A) If the pool for which the commodity pool operator is soliciting participants has traded commodity interests for 12 months or more preceding the date of the Document, the pool operator must disclose the actual performance of the pool for its entire operating history; *Provided, however,* that if the pool has traded commodity interests for more than three years preceding the date of the Document, the pool operator need only disclose the actual performance for such preceding three years.

(B) If the pool for which the pool operator is soliciting participants has traded commodity interests for less than 12 months preceding the date of the Document, the pool operator must disclose the actual performance of the pool for its entire operating history and also must present the actual performance for the three years preceding the date of the document of each other pool operated by it and by each of its principals; *Provided, however,* that if the pool operator and its principals previously have not operated any other pool, the pool operator must disclose these facts with a prominent statement as follows: "THE COMMODITY FUTURES TRADING COMMISSION REQUIRES THE OPERATOR OF A POOL THAT HAS TRADED COMMODITY INTERESTS FOR LESS THAN 12 MONTHS TO DISCLOSE THE ACTUAL PERFORMANCE RECORD OF THE POOL FOR ITS ENTIRE OPERATING HISTORY AND THE ACTUAL PERFORMANCE RECORD OF EACH OTHER POOL OPERATED BY THE POOL OPERATOR AND ITS PRINCIPALS. YOU SHOULD NOTE THAT THE ACTUAL PERFORMANCE RECORD FOR THIS POOL REPRESENTS ITS ENTIRE OPERATING HISTORY, A PERIOD OF ONLY ——— MONTHS. YOU ALSO SHOULD NOTE THAT THE POOL OPERATOR AND ITS PRINCIPALS

PREVIOUSLY HAVE NOT OPERATED ANY OTHER COMMODITY POOL." If the pool operator is a sole proprietorship, reference to its principals may be deleted from the prescribed statement.

(C) If the pool for which the pool operator is soliciting participants has not commenced trading commodity interests, the pool operator must disclose this fact with a prominent statement as follows: "THE COMMODITY FUTURES TRADING COMMISSION REQUIRES A COMMODITY POOL OPERATOR TO DISCLOSE TO PROSPECTIVE POOL PARTICIPANTS THE ACTUAL PERFORMANCE RECORD OF THE POOL FOR WHICH THE OPERATOR IS SOLICITING PARTICIPANTS. YOU SHOULD NOTE THAT THIS POOL HAS NOT BEGUN TRADING AND DOES NOT HAVE ANY PERFORMANCE HISTORY." The pool operator also must present the actual performance for the three years preceding the date of the Document of each other pool operated by it and by each of its principals: *Provided, however,* that if the pool operator and its principals previously have not operated any other pool, the pool operator must disclose this fact with a prominent statement as follows: "WHERE THE POOL FOR WHICH THE POOL OPERATOR IS SOLICITING PARTICIPANTS HAS NOT BEGUN TRADING, THE COMMISSION REQUIRES THE POOL OPERATOR TO DISCLOSE TO PROSPECTIVE PARTICIPANTS THE ACTUAL PERFORMANCE RECORD OF EACH OTHER POOL OPERATED BY THE POOL OPERATOR AND ITS PRINCIPALS. YOU ALSO SHOULD NOTE THAT THE POOL OPERATOR AND ITS PRINCIPALS PREVIOUSLY HAVE NOT OPERATED A COMMODITY POOL." If the commodity pool operator is a sole proprietorship, reference to its principals may be deleted from the prescribed statement.

(iii)(A) The commodity pool operator may, at its discretion, disclose the performance record of other pools controlled by the pool's commodity trading advisor and by any of its principals. That performance record must disclose in the Document the actual performance of all such pools for the three years preceding the date of the Document in the manner specified in § 4.21(a)(4)(i).

(B) If the trading advisor and its principals previously have not controlled or otherwise advised a pool, the pool operator must disclose this fact with a prominent statement as follows: "YOU SHOULD NOTE THAT THIS POOL'S TRADING ADVISOR AND ITS PRINCIPALS PREVIOUSLY HAVE NOT ADVISED A COMMODITY POOL."

(iv) The commodity pool operator must describe the differences among the pools for which actual performance is disclosed. That description must include, among other things, differences in those pools' expenses and in the managed account programs pursuant to which those pools traded commodity interests.

(5)(i) A statement whether commodity interest accounts of customers other than pools have been controlled by:

(A) The commodity pool operator;

(B) Any principal of the pool operator;

(C) The pool's commodity trading advisor; or

(D) Any principal of the pool's commodity trading advisor.

(ii) The commodity pool operator may, in its discretion, disclose the performance record of those accounts. That performance record must disclose in the Document the actual performance for all accounts controlled by each such person for the three years preceding the date of the Document.

(iii) The presentation of actual performance must include prominent disclosure of a table showing at least quarterly for each such account the information required under § 4.21(a)(4)(i)(A) through (F), current as of a date not more than three months preceding the date of the Document.

(iv) In presenting the performance of individual accounts the commodity pool operator may present the performance of all accounts controlled by each such person individually or may present composites of the performance of all accounts controlled by each such person on a managed account program-by-managed account program basis; *Provided, however,* that if the pool operator presents the performance of individual controlled accounts on a composite basis, it must—

(A) Describe how each composite was developed and must disclose material information from which the composite was drawn, and

(B) Describe the differences among the managed account programs pursuant to which the accounts in each composite were traded. That description must include, among other things, differences in those programs' fees and trading philosophies and in the underlying commodities on which commodity interests were traded pursuant to those programs.

(v) If the pool's operator, trading advisor, or any principal thereof has not controlled commodity interest accounts of customers other than pools within the twelve months preceding the date of the Document, the pool operator must make a statement to that effect with respect to each such person that has not controlled such accounts.

(6)(i) The extent of any ownership or beneficial interest in the pool held by:

(A) The commodity pool operator;

(B) Any principal of the pool operator;

(C) The pool's commodity trading advisor; or

(D) Any principal of the trading advisor.

(ii) If any of the foregoing persons does not own any such interest in the pool, the pool operator must make a statement to that effect with respect to each such person.

(7) A complete description of each kind of expense which the commodity pool operator knows or should know has been incurred by the pool for its preceding fiscal year or is expected to be incurred by the pool in its current fiscal year, including, but not limited to, fees for management, trading advice, brokerage commissions, legal advice, accounting services and organizational services; *Provided, however,* That if any such information is contained in an Annual Report which accompanies the Disclosure Document pursuant to § 4.21(g), the pool operator need not also include that information in the Disclosure Document.

(i) Wherever possible, the pool operator must specify the dollar amount of each such expense.

(ii) Where any expense is determined by reference to a base amount term including, but not limited to, "net assets," "gross profits," "net profits" or "net gains," the pool operator must specifically define each such term.

(iii) Where any fee is based on an increase in the value of the pool, the pool operator must specify how the increase is calculated, the period of time during which the increase is calculated, the fee to be charged at the end of that period and the value of the pool at which payment of the fee commences.

(iv) Where any expense of the pool has been paid or is to be paid by a person other than the pool, the pool operator must disclose the nature and amount of that expense and the person who paid or who is expected to pay it.

(v) In describing brokerage commissions, the pool operator must disclose the terms and conditions under which brokerage commissions paid by the pool have been or are expected to be negotiated.

(8)(i)(A) The minimum aggregate amount of funds that will be necessary for the pool to commence trading commodity interests, or

(B) If there is no such minimum amount, the pool operator must make a statement to that effect; and

(ii)(A) The maximum aggregate amount of funds that may be contributed to the pool, or

(B) If there is no such maximum amount, the pool operator must make a statement to that effect.

(iii)(A) The maximum period of time for which the pool will hold funds prior to the commencement of trading commodity interests, or

(B) If there is no such period of time, the pool operator must make a statement to that effect.

(iv) The disposition of those funds if the pool does not receive the necessary amount to commence trading, including the period of time within which the disposition will be made; and

(v) Where the pool operator will deposit or invest funds received prior to the commencement of trading by the pool. If the pool operator intends to place those funds in an income-generating account or obligation, it must disclose the person to whom that income will be paid.

(9)(i) The manner in which the pool will fulfill its margin requirements. If the pool will fulfill its margin requirements with other than cash, the pool operator must disclose—

(A) The nature of such non-cash items, and

(B) If those items generate income, the person to whom that income will be paid.

(ii) The form in which pool funds not deposited as margin will be held after the commencement of trading by the pool. If those funds will be held in assets other than cash, the pool operator must disclose—

(A) The nature of such non-cash assets, and

(B) If those assets generate income, the person to whom that income will be paid.

(10)(i)(A) A complete description of any restrictions upon the transferability of a participant's interest in the pool.

(B) If there are no such restrictions, the pool operator must make a statement to that effect.

(ii) A complete description of the manner in which a participant may redeem its interest in the pool. That description must specify:

(A) How the redemption value of a participant's interest will be calculated, including the costs associated therewith;

(B) The conditions under which a participant may redeem its interest, including the terms of any notification required; and

(C)(*1*) Any restrictions on the redemption of a participant's interest, or

(*2*) If there are no such restrictions, the pool operator must make a statement to that effect.

(11) The extent to which a participant may be held liable for obligations of the pool in excess of the funds contributed by the participant for the purchase of an interest in the pool.

(12)(i)(A) The pool's policies with respect to the payment of distributions from profits or capital.

(B) The pool's policies with respect to the frequency of such payments.

(ii) The federal income tax effects of such payments for a participant.

(13)(i) Any material administrative, civil or criminal action within the five years preceding the date of the Document against:

(A) The commodity pool operator;

(B) Any principal of the pool operator;

(C) The pool's commodity trading advisor;

(D) Any principal of the trading advisor;

(E) The pool's futures commission merchant;

(F) Any principal of the pool's futures commission merchant; or

(G) Any person who solicits prospective participants in the pool.

(ii) If there has been no such action against any of the foregoing persons, the pool operator must make a statement to that effect with respect to each such person.

(14) Any commission or other fee that is paid or may be paid, directly or indirectly, by the pool, the pool's operator, commodity trading advisor, or the principals thereof to any person in connection with the solicitation of funds, securities or other property for the pool.

(15)(i) A statement whether trading in commodity interests will be done or is intended to be done for its own account by:

(A) The commodity pool operator;

(B) Any principal of the pool operator;

(C) The pool's commodity trading advisor; or

(D) Any principal of the trading advisor.

(ii) If any of the foregoing persons will trade or intends to trade for its own account, for each such person the pool operator must further disclose whether participants will be permitted to inspect the records of that person's trades.

(iii) If any of the foregoing persons will not trade or does not intend to trade for its own account, the pool operator must make a statement to that effect with respect to each such person.

(16) A statement that the commodity pool operator must provide all participants with monthly or quarterly (whichever applies) statements of account and with a certified annual report of financial condition.

(17)(i) The following Risk Disclosure Statement, to be prominently disclosed as, and the only language on, the first page of the Disclosure Document:

Risk Disclosure Statement

YOU SHOULD CAREFULLY CONSIDER WHETHER YOUR FINANCIAL CONDITION PERMITS YOU TO PARTICIPATE IN A COMMODITY POOL. YOU MAY LOSE A SUBSTANTIAL PORTION OR EVEN ALL OF THE MONEY YOU PLACE IN THE POOL.

IN CONSIDERING WHETHER TO PARTICIPATE IN A COMMODITY POOL, YOU SHOULD BE AWARE THAT TRADING COMMODITY CONTRACTS CAN QUICKLY LEAD TO LARGE LOSSES AS WELL AS GAINS. SUCH TRADING LOSSES CAN SHARPLY REDUCE THE NET ASSET VALUE OF THE POOL AND CONSEQUENTLY THE VALUE OF YOUR INTEREST IN THE POOL. ALSO, MARKET CONDITIONS MAY MAKE IT DIFFICULT OR IMPOSSIBLE FOR THE POOL TO LIQUIDATE A POSITION.

IN SOME CASES, COMMODITY POOLS ARE SUBJECT TO SUBSTANTIAL CHARGES FOR MANAGEMENT, ADVISORY AND BROKERAGE FEES. IT MAY BE NECESSARY FOR THOSE POOLS THAT ARE SUBJECT TO THESE CHARGES TO MAKE SUBSTANTIAL TRADING PROFITS TO AVOID DEPLETION OR EXHAUSTION OF THEIR ASSETS. THIS DISCLOSURE DOCUMENT CONTAINS A COMPLETE DESCRIPTION OF EACH EXPENSE TO BE CHARGED THIS POOL.

THIS BRIEF STATEMENT CANNOT DISCLOSE ALL THE RISKS AND OTHER SIGNIFICANT ASPECTS OF PARTICIPATING IN A COMMODITY POOL. YOU SHOULD THEREFORE CAREFULLY STUDY THIS DISCLOSURE DOCUMENT AND COMMODITY TRADING BEFORE YOU DECIDE TO PARTICIPATE IN A COMMODITY POOL.

(ii) If the potential liability of a participant in the pool is greater than the amount of the participant's contribution for the purchase of an interest in the pool and profits earned thereon, whether distributed or not, the commodity pool operator must make the additional following statement in the Risk Disclosure Statement, to be prominently disclosed as the last paragraph thereof:

ALSO, BEFORE YOU DECIDE TO PARTICIPATE IN THIS POOL, YOU SHOULD NOTE THAT YOUR POTENTIAL LIABILITY AS A PARTICIPANT IN THIS POOL FOR TRADING LOSSES AND OTHER EXPENSES OF THE POOL IS NOT LIMITED TO THE AMOUNT OF YOUR CONTRIBUTION FOR THE PURCHASE OF AN INTEREST IN THE POOL AND ANY PROFITS EARNED THEREON. A COMPLETE DESCRIPTION OF THE LIABILITY OF A PARTICIPANT IN THE POOL IS EXPLAINED MORE FULLY IN THIS DISCLOSURE DOCUMENT.

(18) The following Cautionary

Statement, to be prominently dislosed on the cover page of the Document: "THE COMMODITY FUTURES TRADING COMMISSION HAS NOT PASSED UPON THE MERITS OF PARTICIPATING IN THIS POOL NOR HAS THE COMMISSION PASSED ON THE ADEQUACY OR ACCURACY OF THIS DISCLOSURE DOCUMENT."

(b)(1) If the commodity pool operator knows or has reason to know that the Disclosure Document is materially inaccurate or incomplete in any respect, it must correct that defect and must distribute the correction to—

(i) All existing pool participants within 21 days of the date upon which the pool operator first knows or has reason to know of the defect, and

(ii) Each previously solicited prospective pool participant prior to accepting or receiving funds, securities or other property from any such prospective participant. The pool operator may furnish the correction by way of an amended Document, a sticker on the Democrat, or other similar means.

(2) The pool operator may not use the Document until such correction has been made.

(c) The commodity pool operator must date each Disclosure Document and amendment thereto as of the date it is first used.

(d) In addition to the information required under § 4.21(a), the commodity pool operator may not include in the Disclosure Document or in any amendment thereto material which serves promotional purposes. Such material must be prepared and must be distributed separately from the Document and all amendments thereto. Distribution of any and all promotional material may not precede distribution of the Disclosure Document.

(e) The commodity pool operator may not accept or receive funds, securities or other property from the prospective participant unless the pool operator first receives from the prospective participant an acknowledgement signed and dated by the prospective participant stating that the participant received a Disclosure Document for the pool and that the pool operator did not deliver or cause to be delivered to the participant any other information on the pool or on trading commodity interests prior to receipt of the Document.

(f)(1) Subject to § 4.21(b), all information contained in the Disclosure Document must be current as of the date of the Document; *Provided, however,* performance information may be current as of a date not more than three (3) months preceding the date of the Document.

(2) No commodity pool operator may use a Disclosure Document dated more than six (6) months preceding the date of its use.

(g) The commodity pool operator must attach to the Document the most current Account Statement and Annual Report for the pool required to be distributed in accordance with § 4.22

(h)(1)(i) The commodity pool operator must file with the Commission three (3) copies of the Disclosure Document for each pool that it operates or that it intends to operate not less than 45 days prior to the date the pool operator first intends to deliver the Document to a prespective participant in that pool. The pool operator must specify with the filing the date it first intends to deliver the Document to a prospective participant.

(ii) The commodity pool operator may not deliver the Disclosure Document to a prospective participant until the later of (i) 45 days after the date it is filed with the Commission, or (ii) the date the pool operator has specified it first intends to deliver the Document to a prospective participant; *Provided, however,* that if prior to such date the Commission notifies the pool operator that the Document does not comply with this § 4.21 or the Act or any of the other regulations thereunder, the pool operator may not deliver the Document. Failure by the Commission to so notify the pool operator shall not be construed to mean that the Document complies with this § 4.21 and the Act and the other regulations thereunder.

(2) The commodity pool operator must file with the Commission three (3) copies of all subsequent amendments to the Disclosure Document for each pool that it operates or that it intends to operate within 21 days of the date upon which the pool operator first knows or has reason to know of the defect requiring the amendment.

(i) This section does not relieve a commodity pool operator from any obligation under the Act or the regulations thereunder, including the obligation to disclose all material information to existing or prospective pool participants even if the information is not specifically required by this § 4.21.

§ 4.22 Reporting to pool participants.

(a) Each commodity pool operator registered or required to be registered under the Act must periodically distribute to each participant in each pool that it operates, within 30 days after the last date of the reporting period prescribed in § 4.22(b), an Account Statement, which shall be presented in the form of a Statement of Income (Loss) and a Statement of Changes in Net Asset Value, for the prescribed period. These financial statements must be presented and computed in accordance with generally accepted accounting principles consistently applied.

(1) The portion of the Acount Statement must be presented in the form of a Statement of Income (Loss) must separately itemize the following information:

(i) The total amount of realized net gain or loss on commodity interest positions liquidating during the reporting period;

(ii) The change in unrealized net gain or loss on commodity interest positions during the reporting period;

(iii) The total amount of net gain or less from all other transactions in which the pool engaged during the reporting period, including interest and dividends paid on funds not committed to margin the pool's commodity interest positions;

(iv) The total amount of all management fees during the reporting period;

(v) The total amount of all advisory fees during the reporting period;

(vi) The total amount of all brokerage commissions during the reporting period.

(vii) The total amount of other fees for commodity interest and other investment transactions during the reporting period; and

(viii) The total amount of all other expenses incurred or accrued by the pool during the reporting period.

(2) The portion of the Account Statement that must be presented in the form of a Statment of Changes in Net Asset Value must separately itemize the following information.

(i) The net asset value of the pool as of the beginning of the reporting period;

(ii) The total amount of additions to the pool, whether voluntary or involuntary, made during the reporting period;

(iii) The total amount of withdrawals from and redemption of participation units in the pool, whether voluntary or involuntary, for the reporting period;

(iv) The total net income or loss of the pool during the reporting period;

(v) The net asset value of the pool as of the end of the reporting period; and

(vi)(A) The net asset value per outstanding participation unit in the pool as of the end of the reporting period; or

(B) The total value of the participant's interest or share in the pool as of the end of the reporting period.

(3) The Account Statement must also disclose any material business dealings between the pool, the pool's operator, commodity trading advisor, futures commission merchant, or the principals thereof that previously have not been disclosed in the pool's Disclosure Document or any amendment thereto,

other Account Statements or Annual Reports.

(b) The Account Statement must be distributed at least monthly in the case of pools with net assets of more than $500,000 at the beginning of the pool's fiscal year, and otherwise at least quarterly; *Provided, however,* that an Account Statement for the last reporting period of the pool's fiscal year need not be distributed if the Annual Report required by § 4.22(c) is sent to pool participants within 45 days after the end of the fiscal year. The first period for which an Account Statement is due shall be the first reporting period that begins on or after April 1, 1979.

(c) Each commodity pool operator registered or required to be registered under the Act must distribute an Annual Report to each participant in each pool that it operates, and must file three (3) copies of the Report with the Commission, within 90 days after the end of the pool's fiscal year. The first fiscal year for which an Annual Report is due shall be the first fiscal year that begins on or after January 1, 1979. The Annual Report must contain the following:

(1) The net asset value of the pool as of the end as of each of the pool's two preceding fiscal years.

(2)(i) The net asset value per outstanding participation unit in the pool as of the end of each of the pool's two preceding fiscal years, or

(ii) The total value of the participant's interest or share in the pool as of the end of each of the pool's two preceding fiscal years.

(3) A statement of Financial Condition as of the close of the pool's fiscal year.

(4) Statements of Income (Loss), Changes in Financial Position, and Changes in Ownership Equity, for the period between (i) the later of: (A) the date of the most recent Statement of Financial Condition delivered to the Commission pursuant to this § 4.22(c), (B) January 1, 1979, or (C) the date of the formation of the pool, and (ii) the close of the pool's fiscal year, together with Statements of income (Loss), Changes in Financial Position, and Changes in Ownership Equity for the corresponding period of the previous fiscal year.

(5) Appropriate footnote disclosure and such further material information as may be necessary to make the required statements not misleading.

(d) The financial statements in the Annual Report must be presented and computed in accordance with generally accepted accounting principles consistently applied and must be certified by an independent public accountant. The certification must be in accordance with § 1.16, except that the following requirements of that section shall not apply:

(1) The audit objectives of § 1.16(d)(1) concerning the periodic computation of minimum capital and property in segregation;

(2) All other references in § 1.16 to the segregation requirements; and

(3) Sections 1.16(c)(5), (d)(2), (e)(2), and (f).

(e) The Statement of Income (Loss) required by this section must itemize brokerage commissions, management fees, advisory fees, incentive fees, interest income and expense, total realized net gain or loss from commodity interest trading, and change in unrealized net gain or loss on commodity interest positions during the pool's fiscal year. Gains and losses on commodity interests need not be itemized by commodity or by specific delivery or expiration date.

(f)(1) In the event the commodity pool operator finds that it cannot distribute the Annual Report for a pool that it operates within the time specified in § 4.22(c) without substantial undue hardship, it may file with the Commission an application for extension of time to a specified date not more than 90 days after the date as of which the annual report was to have been distributed. The application must be made by the pool operator and must:

(i) State the name of the pool for which the application is being made;

(ii) State the reasons for the requested extension;

(iii) Indicate that the inability to make a timely filing is due to circumstances beyond the control of the pool operator, if such is the case, and describe briefly the nature of such circumstances;

(iv) Contain an undertaking to file the Annual Report on or before the date specified in the application; and

(v) Be filed with the Commission prior to the date on which the Annual Report is due.

2. The application must be accompanied by a letter from the independent public accountant answering the following questions:

(i) What specifically are the reasons for the extension request?

(ii) Do you have any indication from the part of your audit completed to date that would lead you to believe that the commodity pool operator was or is not meeting the segregation requirements of § 4.20 or has any significant financial or recordkeeping problems?

(3) Within ten (10) business days after receipt of an application for an extension of time, the Commission shall:

(i) Notify the commodity pool operator of the grant or denial of the requested extension, or

(ii) Indicate to the pool operator that additional time is required to analyze the request, in which case the amount of time needed will be specified.

(g)(1) A commodity pool operator may initially elect any fiscal year for a pool, but the first fiscal year may not end more than one year after the pool's formation.

(2) If a pool operator elects a fiscal year other than the calendar year, it must give written notice of the election to all participants and must file the notice with the Commission within 90 days after the date of the pool's formation. If this notice is not given, the pool operator will be deemed to have elected the calendar year as the pool's fiscal year.

(3) The pool operator must continue to use the elected fiscal year for the pool unless it provides written notice of any proposed change to all participants and files such notice with the Commission at least 90 days before the change and the Commission does not disapprove the change within 30 days after the filing of the notice.

(h)(1) Each Account Statement and Annual Report must contain a signed oath or affirmation that, to the best of the knowledge and belief of the individual making the oath or affirmation, the information contained in the document is accurate and complete; *Provided, however,* that it is be unlawful for the individual to make such oath or affirmation if the individual knows or should know that any of the information in the document is not accurate and complete.

(2) There must be typed beneath the signed oath or affirmation:

(i) The name of the individual signing the document;

(ii) The capacity in which he is signing;

(iii) The name of the commodity pool operator for whom he is signing; and

(iv) The name of the commodity pool for which the document is being distributed.

(3) If the commodity pool operator is a sole proprietorship, the oath or affirmation must be made by the proprietor; if a partnership, by a general partner; and if a corporation, by the chief executive officer or chief financial officer.

§ 4.23 Recordkeeping.

Each commodity pool operator registered or required to be registered under the Act must make and keep the following books and records in an accurate, current and orderly manner at its main business office and in accordance with § 1.31. All books and records required by this section except those required by paragraphs (a)(3), (a)(4), (b)(1), (b)(2) and (b)(3) must be made available to participants for inspection and copying during normal business hours at the main business office of the pool operator. Upon

request, copies must be sent by mail to any participant within five business days if reasonable reproduction and distribution costs are paid by the pool participant. If the pool operator's main business office is outside of the United States, its territories or possessions, then upon the request of a Commission representative, the pool operator must provide such books and records as requested at the place in the United States, its territories or possessions designated by the representative within 24 hours after the pool operator receives the request.

(a) For the commodity pool—

(1) An itemized daily record of each commodity interest transaction of the pool, showing the date, price, quantity, commodity interest, delivery or expiration month, the futures commission merchant carrying the account, whether the interest was purchased or sold, and, if the transaction liquidated an open position, the gainor loss realized. This record must be in the form of a journal of original entry or other equivalent record.

(2) A journal of original entry or other equivalent record showing all receipts and disbursements of money, securities and other property.

(3) The acknowledgment specified in § 4.21(e) for each participant in the pool.

(4) A subsidiary ledger or other equivalent record for each participant in the pool showing the participant's name and address and all funds, securities and other property that the pool received from or distributed to the participant.

(5) Adjusting entries and any other records of original entry or their equivalent forming the basis of entries in any ledger.

(6) A general ledger or other equivalent record containing details of all asset, liability, capital, income and expense accounts.

(7) A copy of each monthly statement for the pool received from a futures commission merchant.

(8) Cancelled checks, bank statements, journals, ledgers, invoices, copies of confirmations, copies of purchase and sale statements, computer generated records, and all other records, data and memoranda prepared or received in connection with the operation of the pool.

(9) The original or a copy of each report, letter, circular, memorandum, publication, writing, advertisement or other literature or advice (including the texts of standardized oral presentations and of radio, television, seminar or similar mass media presentations) distributed or caused to be distributed by the commodity pool operator to any existing or prospective pool participant or received by the pool operator from any commodity trading advisor of the pool, showing the date of distribution or receipt if not otherwise shown on the document.

(10) A Statement of Financial Condition as of the close of (i) each regular monthly period if the pool had net assets of $500,000 or more at the beginning of the pool's fiscal year, or (ii) each regular quarterly period for all other pools. The Statement must be completed within 30 days after the end of that period.

(11) A Statement of Income (Loss) for the period between (i) the later of: (A) the date of the most recent Statement of Financial Condition furnished to the Commission pursuant to § 4.22(c), (B) April 1, 1979 or (C) the formation of the pool, and (ii) the date of the Statement of Financial Condition required by § 4.23(a)(10). The Statement must be completed within 30 days after the end of that period.

(b) For the commodity pool operator—

(1) An itemized daily record of each commodity interest transaction of the commodity pool operator and each principal thereof, showing the date, price, quantity, commodity interest, delivery or expiration month, person for whom the transaction was effected, the futures commission merchant carrying the account, and whether the interest was purchased or sold.

(2) Each monthly statement furnished by a futures commission merchant to (i) the commodity pool operator relating to a personal account of the pool operator, and (ii) each principal of the pool operator relating to a personal account of such principal.

(3) Books and records of all other transactions in all other activities in which the pool operator engages. Those books and records must include cancelled checks, bank statements, journals, ledgers, invoices, computer generated records and all other records, data and memoranda which have been prepared in the course of engaging in those activities.

Subpart C—Commodity Trading Advisors

§ 4.30 Prohibited activities.

No commodity trading advisor may solicit, accept or receive from an existing or prospective client funds, securities or other property in the trading advisor's name (or extend credit in lieu thereof) to margin, guarantee or secure any commodity interest of the client; *Provided, however,* that this section shall not apply to a futures commission merchant that is registered as such under the Act.

§ 4.31 Disclosure to prospective clients.

(a) No commodity trading advisor registered or required to be registered under the Act may solicit or enter into an agreement with a prospective client to control the client's commodity interest account, or to guide the client's commodity interest trading by means of a systematic advisory program that recommends specific transactions, unless the commodity trading advisor, at or before the time it engages in the solicitation or enters into the agreement (whichever is earlier), delivers or causes to be delivered to the prospective client a Disclosure Document for the managed account program pursuant to which the trading advisor seeks to control the client's account or to guide the client's trading, in such form as the Commission may prescribe, containing the following information:

(1) (i) The name, address of the main business office, main business telephone number and form of organization, including capital structure, of the commodity trading advisor. If the address of the main business office is a post office box number, the trading advisor must state where its books and records will be kept;

(ii) The name of each principal of the trading advisor;

(iii) A description of the managed account program; and

(iv) (A) The name of the futures commission merchant with which the client will be required to maintain its account, or

(B) If the client is free to choose the futures commission merchant with which it will maintain its account, the trading advisor must make a statement to that effect.

(2) The business background, for the five years preceding the date of the Document, of:

(i) The commodity trading advisor; and

(ii) Each principal of the trading advisor.

The trading advisor must include in the description of the business background of each such person the name and main business of that person's employers, business associations or business ventures and the nature of the person's duties performed for the employers or in connection with the associations or ventures.

(3) The actual performance for each commodity interest account, including that of a pool, for which disclosure is required as specified below.

(i) (A) In presenting actual performance the commodity trading advisor must separately disclose the performance of each pool in the manner specified in § 4.21(a)(4)(i).

(B) In presenting the actual performance of all other commodity interest accounts the trading advisor must disclose that performance in the manner specified in § 4.21(a)(5)(iii). The trading advisor may disclose the performance of all accounts controlled

by each such person individually or may present composites of the performance of the accounts controlled by each such person in the manner specified in § 4.21(a)(5)(iv).

(ii)(A) The commodity trading advisor must present the actual performance of each pool controlled by the commodity trading advisor and by each of its principals for the three years preceding the date of the Document.

(B) The trading advisor must present the actual performance of all other commodity interest accounts controlled by the commodity trading advisor and by each of its principals for the three years preceding the date of the Document.

(C) If the trading advisor and its principals previously have not controlled commodity interest accounts, this fact must be disclosed with a prominent statement as follows: "THE COMMODITY FUTURES TRADING COMMISSION REQUIRES A COMMODITY TRADING ADVISOR TO DISCLOSE TO PROSPECTIVE PARTICIPANTS THE ACTUAL PERFORMANCE RECORD OF ALL COMMODITY INTEREST ACCOUNTS THAT THE TRADING ADVISOR AND ITS PRINCIPALS HAVE CONTROLLED. YOU SHOULD NOTE THAT THE TRADING ADVISOR AND ITS PRINCIPALS PREVIOUSLY HAVE NOT CONTROLLED COMMODITY INTEREST ACCOUNTS." If the commodity trading advisor is a sole proprietorship, reference to its principals may be deleted from the prescribed statement.

(4) A complete description of each fee which the commodity trading advisor will charge the client.

(i) Wherever possible, the trading advisor must specify the dollar amount of each such fee.

(ii) Where any fee is determined by reference to a base amount term including, but not limited to, "net assets," "gross profits," "net profits" or "net gains," the trading advisor must specifically define each such term.

(iii) Where any fee is based on an increase in the value of the client's commodity interest account, the trading advisor must specify how that increase is calculated, the period of time during which the increase is calculated, the fee to be charged at the end of that period and the value of the account at which payment of the fee commences.

(5)(i) Any actual or potential conflict regarding any aspect of the managed account program on the part of:

(A) The commodity trading advisor;

(B) Any principal of the trading advisor;

(C) Any futures commission merchant with which the client will be required to maintain its commodity interest account; or

(D) Any principal of the futures commission merchant. Included in the description of such conflict shall be any arrangement whereby the trading advisor or any principal thereof may benefit, directly or indirectly, from the maintenance of the client's commodity interest account with a futures commission merchant.

(ii) If there is any such actual or potential conflict of interest, the trading advisor must describe the nature of the conflict.

(iii) If any of the foregoing persons does not have any such actual or potential conflict of interest, the trading advisor must make a statement to that effect with respect to each such person.

(6)(i) A statement whether trading in commodity interests will be done or is intended to be done for its own account by:

(A) The commodity trading advisor; or

(B) Any principal of the trading advisor.

(ii) If any of the foregoing persons will trade or intends to trade for its own account, for each such person the commodity trading advisor must further disclose whether clients will be permitted to inspect the records of that person's trades.

(iii) If any of the foregoing persons will not trade or does not intend to trade in commodity interests for its own account, the trading advisor must make a statement to that effect with respect to each such person.

(7)(i) Any material administrative, civil or criminal action within the five years preceding the date of the Document against:

(A) The commodity trading advisor;

(B) Any principal of the trading advisor;

(C) The futures commission merchant with which the client will be required to maintain its commodity interest account;

(D) Any principal of the futures commission merchant; or

(E) Any person who solicits clients for the managed account program.

(ii) If there has been no such action against any of the foregoing persons, the trading advisor must make a statement to that effect with respect to each such person.

(8)(i) The following Risk Dislosure Statement to be prominently displayed as, and the only language on, the first page of the Disclosure Document:

RISK DISCLOSURE STATEMENT

THE RISK OF LOSS IN TRADING COMMODITY CONTRACTS CAN BE SUBSTANTIAL. YOU SHOULD THEREFORE CAREFULLY CONSIDER WHETHER SUCH TRADING IS SUITABLE FOR YOU IN LIGHT OF YOUR FINANCIAL CONDITION. IN CONSIDERING WHETHER TO TRADE OR TO AUTHORIZE SOMEONE ELSE TO TRADE FOR YOU, YOU SHOULD BE AWARE OF THE FOLLOWING:

(1) YOU MAY SUSTAIN A TOTAL LOSS OF THE INITIAL MARGIN FUNDS AND ANY ADDITIONAL FUNDS THAT YOU DEPOSIT WITH YOUR BROKER TO ESTABLISH OR MAINTAIN A POSITION IN THE COMMODITY FUTURES MARKET. IF THE MARKET MOVES AGAINST YOUR POSITION, YOU MAY BE CALLED UPON BY YOUR BROKER TO DEPOSIT A SUBSTANTIAL AMOUNT OF ADDITIONAL MARGIN FUNDS, ON SHORT NOTICE, IN ORDER TO MAINTAIN YOUR POSITION. IF YOU DO NOT PROVIDE THE REQUIRED FUNDS WITHIN THE PRESCRIBED TIME, YOUR POSITION MAY BE LIQUIDATED AT A LOSS, AND YOU WILL BE LIABLE FOR ANY RESULTING DEFICIT IN YOUR ACCOUNT.

(2) UNDER CERTAIN MARKET CONDITIONS, YOU MAY FIND IT DIFFICULT OR IMPOSSIBLE TO LIQUIDATE A POSITION. THIS CAN OCCUR, FOR EXAMPLE, WHEN THE MARKET MAKES A "LIMIT MOVE."

(3) THE PLACEMENT OF CONTINGENT ORDERS BY YOU OR YOUR TRADING ADVISOR, SUCH AS A "STOP-LOSS" OR "STOP-LIMIT" ORDER, WILL NOT NECESSARILY LIMIT YOUR LOSSES TO THE INTENDED AMOUNTS, SINCE MARKET CONDITIONS MAY MAKE IT IMPOSSIBLE TO EXECUTE SUCH ORDERS.

(4) A "SPREAD" POSITION MAY NOT BE LESS RISKY THAN A SIMPLE "LONG" OR "SHORT" POSITION.

(5) THE HIGH DEGREE OF LEVERAGE THAT IS OFTEN OBTAINABLE IN FUTURES TRADING BECAUSE OF THE SMALL MARGIN REQUIREMENTS CAN WORK AGAINST YOU AS WELL AS FOR YOU. THE USE OF LEVERAGE CAN LEAD TO LARGE LOSSES AS WELL AS GAINS.

IN SOME CASES, MANAGED COMMODITY ACCOUNTS ARE SUBJECT TO SUBSTANTIAL CHARGES FOR MANAGEMENT AND ADVISORY FEES. IT MAY BE NECESSARY FOR THOSE ACCOUNTS THAT ARE SUBJECT TO THESE CHARGES TO MAKE SUBSTANTIAL TRADING PROFITS TO AVOID DEPLETION OR EXHAUSTION OF THEIR ASSETS. THIS DISCLOSURE

DOCUMENT CONTAINS A COMPLETE DESCRIPTION OF EACH FEE TO BE CHARGED TO YOUR ACCOUNT BY THE COMMODITY TRADING ADVISOR.

THIS BRIEF STATEMENT CANNOT DISCLOSE ALL THE RISKS AND OTHER SIGNIFICANT ASPECTS OF THE COMMODITY FUTURES MARKETS. YOU SHOULD THEREFORE CAREFULLY STUDY THIS DISCLOSURE DOCUMENT AND FUTURES TRADING BEFORE YOU TRADE.

(ii) If the commodity trading advisor is not also a registered futures commission merchant, the trading advisor must make the additional following statement in the Risk Disclosure Statement, to be prominently disclosed as the last paragraph thereof:

THIS COMMODITY TRADING ADVISOR IS PROHIBITED BY LAW FROM ACCEPTING FUNDS IN THE TRADING ADVISOR'S NAME FROM A CLIENT FOR TRADING COMMODITY INTERESTS. YOU MUST PLACE ALL FUNDS FOR TRADING IN THIS MANAGED ACCOUNT PROGRAM DIRECTLY WITH A FUTURES COMMISSION MERCHANT.

(9) The following Cautionary Statement, to be prominently disclosed on the cover page of the Document: "THE COMMODITY FUTURES TRADING COMMISSION HAS NOT PASSED UPON THE MERITS OF PARTICIPATING IN THIS MANAGED ACCOUNT PROGRAM NOR HAS THE COMMISSION PASSED ON THE ADEQUACY OR ACCURACY OF THIS DISCLOSURE DOCUMENT."

(b)(1) If the commodity trading advisor knows or should know that the Disclosure Document is materially inaccurate or incomplete in any respect, it must correct that defect and must distribute the correction to—

(i) All existing clients in the managed account program within 21 days of the date upon which the trading advisor first knows or has reason to know of the defect, and

(ii) Each previously solicited prospective client for the managed account program prior to entering into an agreement to control or to guide such prospective client's commodity interest account pursuant to the program. The trading advisor may furnish the correction by way of an amended Document, a sticker on the Document, or other similar means.

(2) The trading advisor may not use the Document until such correction is made.

(c) The commodity trading advisor must date each Disclosure Document and amendment thereto as of the date it is first used.

(d) In addition to the information required under § 4.31(a), the commodity trading advisor may not include in the Disclosure Document or in any amendment thereto material which serves promotional purposes. Such material must be prepared and must be distributed separately from the Document and all amendments thereto. Distribution of promotional material may not precede distribution of the Disclosure Document.

(e) The commodity trading advisor may not enter into an agreement with a prospective client to control the client's commodity interest account or to guide the client's commodity interest trading unless the trading advisor first receives from the prospective client an acknowledgement signed and dated by the prospective client stating that the client received a Disclosure Document for the managed account program pursuant to which the trading advisor will control his account or will guide his trading and that the trading advisor did not deliver or cause to be delivered to the client any other information on the program or on trading commodity interests prior to receipt of the Document.

(f)(1) Subject to 4.21(b) all information contained in the Disclosure Document must be current as of the date of the Document; *Provided, however,* that performance information may be current as of the date not more than three (3) months preceding the date of the Document.

(2) The commodity trading advisor may not use a Disclosure Document dated more than six (6) months preceding the date of its use.

(g)(1)(i) The commodity trading advisor must file with the Commission three (3) copies of the Disclosure Document for each managed account program that it offers or that it intends to offer not less than 45 days prior to the date the trading advisor first intends to give the Document to a prospective client in the program. The trading advisor must specify with the filing the date if first intends to deliver the Document to a prospective client.

(ii) The commodity trading advisor may not deliver the Disclosure Document to a prospective client until the later of (i) 45 days after the date it is filed with the Commission, or (ii) the date the trading advisor has specified it first intends to deliver the Document to a prospective client; *Provided, however,* that if prior to such date the Commission notifies the trading advisor that the Document does not comply with this § 4.31 or the Act or any of the other regulations thereunder, the trading advisor may not deliver the Document. Failure by the Commission to so notify the trading advisor shall not be presumed to mean that the Document complies with this § 4.31 and the Act and the other regulations thereunder.

(2) The commodity trading advisor must file with the Commission three (3) copies of all subsequent amendments to the Disclosure Document for each managed account program that it offers or that it intends to offer not less than 21 days after the date upon which the trading advisor first knows or has reason to know of the defect requiring the amendment.

(h) This section does not relieve a commodity trading advisor from any obligation under the Act or the regulations thereunder, including the obligation to disclose all material information to existing or prospective clients even if the information is not specifically required by this section.

§ 4.32 Record-keeping.

Each commodity trading advisor registered or required to be registered in an accurate, current and orderly manner at its main business office and in accordance with § 1.31. If the trading advisor's main business office is located outside the United States, its territories or possessions, then upon the request of a Commission representative the trading advisor must provide such books and records as requested at the place designated by the representative in the United States, its territories or possessions within 24 hours after receipt of the request.

(a) For its clients and subscribers—

(1) The name and address of each client and each subscriber.

(2) The original or a copy of each report, letter, circular, memorandum, publication, writing, advertisement or other literature or advice (including the texts of standardized oral presentations and of radio, television, seminar or similar mass media presentations) distributed or caused to be distributed by the commodity trading advisor to any existing or prospective client or subscriber, showing the date of distribution if not otherwise shown on the document.

(3) The acknowledgement specified in § 4.31(e).

(4) All powers of attorney and other documents, or copies thereof, granting control to the commodity trading advisor over the commodity interest account of a client or subscriber.

(5) All other written agreements, or copies thereof, entered into by the commodity trading advisor with any client or subscriber.

(b) For the commodity trading advisor—

(1) An itemized daily record of each commodity interest transaction of the commodity trading advisor and each principal thereof, showing the date, price, quantity, commodity interest, delivery or expiration month, person for whom the transaction was effected, the futures commission merchant carrying the account, and whether the commodity interest was purchased or sold. This record must be in the form of a journal of original entry or other equivalent record.

(2) Each monthly statement furnished by a futures commission merchant to (i) the commodity trading advisor relating to a personal account of the trading advisor, and (ii) each principal of the trading advisor relating to a personal account of such principal.

(3) Books and records of all other transactions in all other business dealings in trading commodity interests and of all cash market transactions in which the commodity trading advisor and each principal thereof engages. Those books and records must include, as applicable, books and records of the type specified in paragraphs (a)(1) through (a)(5) of this § 4.32 and in paragraphs (a)(1) through (a)(8) of § 4.23.

Subpart D—Advertising

§ 4.40 [Reserved].

§ 4.41 Actual performance of commodity interest accounts.

No person may publish, distribute or broadcast any report, letter, circular, memorandum, publication, writing, advertisement or other literature or advice (including the texts of standardized oral presentations and of radio, television, seminar or similar mass media presentations) in a manner other than that specified in this Part 4 the actual performance of a commodity pool operator, commodity trading advisor, or the principals thereof, regardless of whether such pool operator or trading advisor is exempt from registration under the Act.

§ 4.42 Simulated or hypothetical performance of commodity interest accounts or transactions.

No person may publish, distribute or broadcast any report, letter, circular, memorandum, publication, writing, advertisement or other literature or advice (including the tests of standardized oral presentations and of radio, television, seminar or similar mass media presentations) that refers, directly or indirectly, to the performance of any simulated or hypothetical commodity interest account, transaction in a commodity interest or series of transactions in a commodity interest of a commodity pool operator, commodity trading advisor, or the principals thereof, regardless of whether such pool operator or trading advisor is exempt from registration under the Act.

* * * * *

Issued in Washington, D.C. on July 30, 1980 by the Commission.

Jane K. Stuckey,

Secretary, Commodity Futures Trading Commission.

[FR Doc. 80-23381 Filed 8-1-80; 8:45 am]

BILLING CODE 6351-01-M

TENNESSEE VALLEY AUTHORITY

18 CFR Part 301

Fees for Search and Duplication of Records

AGENCY: Tennessee Valley Authority.

ACTION: Proposed rulemaking.

SUMMARY: TVA proposes to amend Freedom of Information Act fee regulations to reflect charges for supervisory or professional time spent in the identification of requested documents. TVA proposes an hourly rate of $15 for supervisory or professional time. TVA also proposes to raise the clerical rate from $4.15 per hour to $6.40 per hour, the current hourly rate for clerical employees most likely to be involved in search and duplication of documents.

DATE: Comment Date: Written comments will be considered if received no later than September 8, 1980.

ADDRESS: Send written comments to the Director of Information, Tennessee Valley Authority, Knoxville, Tennessee 37920. All comments received will be available for public inspection at the TVA Technical Library, 400 Commerce Avenue, E2B7C, Knoxville, Tennessee 37902 during normal business hours.

FOR FURTHER INFORMATION CONTACT: Louis Gwin, Assistant Director of Information, Tennessee Valley authority, Knoxville, Tennessee 37902, (615) 632-2629.

SUPPLEMENTARY INFORMATION: The Tennessee Valley Authority is considering amendments to its regulations about fees for the search and duplication of TVA records requested under the Freedom of Information Act, 5 U.S.C. § 552.

The current fee regulations were adopted in 1975. Under these regulations TVA charges only for time spent by clerical employees in the search and duplication process and does not charge for time spent by supervisors. While most requests do not require a substantial amount of supervisory or professional time in the search and duplication process, substantial amounts of supervisory or professional time have been spent in the identification of documents for several requests and it appears appropriate to establish a reasonable standard charge for such direct costs to TVA. The waiver of time charges with respect to requests requiring less than four hours time also applies to professional and supervisory time. The hourly rate for supervisory employees most likely to be involved in such requests is $15.

In addition, in 1975 TVA established $4.15 hourly rate for clerical time. That rate was based on the hourly rate for clerical employees most likely to be involved in search and duplication of documents in response to FOIA requests. The hourly rate for employees on that grade level is now $6.40 and the proposed regulation would revise the charge for clerical time to reflect the increased pay rate for such employees.

TVA also publishes and sells at nominal cost various materials concerning its activities and other matters within its statutory responsibilities, and also provides for the sale of other materials, such as maps prepared by other agencies, at prices prescribed by such agencies. Such services are not performed under the Freedom of Information Act and the fees for such services are not affected by these proposed regulations.

Accordingly, 18 C.F.R. § 301.2 is proposed to be amended to read as follows:

§ 301.2 Schedule of fees.

(a) *Basis.* Except as otherwise provided in subsection (c) of this section, TVA records which are available for public inspection under § 301.1 are made available upon payment of uniform fees which will approximately cover the direct costs to TVA of searching for, compiling, transporting, and copying the records.

(b) *Fees.* The following fees are applicable:

(1) Time charges. For time spent by clerical employees searching files, compiling requested material from files, and making any requested copies the charge is $6.40 per hour. For time spent by supervisory and professional employees, the charge is $15 per hour.

(2) Duplication charges. For reproduction of requested material which consists of sheets no larger than 8½ by 14 inches, the charge is 10 cents per page. For reproduction of other materials, the charge is the direct cost of

photostat or other means necessarily used for duplication.

(3) Other charges. Where a response to a request requires services or materials (including personnel) other than the common ones described in paragraphs (1) and (2) of this section, the charge is the direct cost of such services and materials to TVA, but only if the requestor has been notified of such cost before it is incurred, or if the request contains a statement that all costs are acceptable.

(c) *Waiver or reduction of fees.* (1) No time charge is made with respect to any request for records requiring less than four (4) hours' time for searching and reproducing documents.

(2) If it is determined by TVA that all material requested is exempt from disclosure under § 301.1 of this part, and TVA accordingly declines to furnish all such material, no fees shall be charged. TVA may waive or reduce fees otherwise chargeable under this section upon its determination that waiver or reduction is in the public interest because furnishing the information can be considered as primarily benefitting the general public.

Dated: July 22, 1980.

By order of the Board of Directors.

W. F. Willis,

General Manager.

[FR Doc. 80-23452 Filed 8-1-80; 8:45 am]

BILLING CODE 8120-01-M

RAILROAD RETIREMENT BOARD

20 CFR Ch. II

Semiannual Agenda of Significant Regulations Under Development or Review

AGENCY: Railroad Retirement Board.

ACTION: Semiannual agenda of significant regulations under development or review.

SUMMARY: The Railroad Retirement Board hereby publishes its semiannual agenda of significant regulations under development or review.

EFFECTIVE DATE: August 4, 1980.

FOR FURTHER INFORMATION CONTACT: E.E. Koch, Chief Executive Officer, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, 312-751-4930.

SUPPLEMENTARY INFORMATION: Pursuant to section 20(a) of Pub. L. 96-101, known as the Milwaukee Railroad Restructuring Act, the Board has commenced the development of regulations to carry out the duties imposed upon the Board by that Act. Those regulations will set forth the procedures which the Board will follow in administering section 10 of the Act, Supplementary Unemployment Insurance, section 11, Employment of Milwaukee Railroad Employees, and section 12, New Career Training Assistance.

Although under the standards established by the Board these regulations would not be required to be considered as significant regulations, the Board's Chief Executive Officer has chosen, in his discretion, to treat these regulations as significant.

In accord with the Board's report originally issued under Executive Order 12044, the Board has determined that the proposed regulations are necessary and has determined that no regulatory analysis of these regulations should be made. One segment of these regulations has been published in the **Federal Register** (45 FR 17979 (March 20, 1980)) and additional regulations are currently under development. Whether the Board will begin the development of regulations to carry out its responsibilities in accordance with Pub. L. 96-254, known as the Rock Island Railroad Transition and Employee Assistance Act, will depend upon the final outcome of current litigation contesting the validity of this legislation.

Information concerning the status of the promulgation of these regulations may be obtained by contacting Ms. Sally A. Marn, Assistant Director of Unemployment and Sickness Insurance, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, telephone number 312-751-4801 (FTS 387-4801).

The Board has initiated procedures for coordination with the Internal Revenue Service in the development of regulations concerning employer status under the Railroad Retirement and Railroad Unemployment Insurance Acts. This coordination is required since the Internal Revenue Service is responsible for the administration of the Railroad Retirement Tax Act which has the same definition of "employer" as that contained in the Railroad Retirement and Railroad Unemployment Insurance Acts. A proposal for the development of those regulations has not as yet been submitted to the Board's Chief Executive Officer for a determination as to their significance.

Information concerning the status of the promulgation of these regulations may be obtained by contacting Mr. Michael C. Litt, General Attorney, 844 Rush Street, Chicago, Illinois 60611, telephone number 312-751-4929 (FTS 387-4929).

In addition, as the Board stated in its report under Executive Order 12044 and in the agenda pubished in the **Federal Register** on July 31, 1979, a review and revision of existing regulations has been commenced by this agency. The parts of the present regulations under the Railroad Retirement Act which are currently being reviewed and revised are as follows:

Part 208—Eligibility for an annuity.
Part 210—Execution and filing of an application for an annuity.
Part 214—Annuity beginning date.
Part 220—Definition and creditability of service.
Part 222—Definition and creditability of compensation.
Part 225—Computation of annuity.
Part 232—Spouses' annuities.
Part 237—Insurance annuities and lump sums for survivors.
Part 238—Residual lump-sum payments.
Part 239—Proofs required in support of claims for benefits.
Part 250—Reports and information to be filed by employers.

Finally, the Board is reviewing and revising its regulations under the Railroad Unemployment Insurance Act, Part 300, *et seq.*, the Emergency Regulations, Part 395, and the regulations dealing with employee responsibilities and conduct, Part 396.

Information concerning the status of the review and revision of the above-listed parts of the Board's regulations may be obtained by contacting Mr. Steven A. Bartholow, Assistant General Counsel, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, telephone number 312-751-4944 (FTS 387-4944).

Dated: July 28, 1980.

By Authority of the Board.

R. F. Butler,

Secretary of the Board.

FR Doc. 80-23391 Filed 8-1-80; 8:45 am]

BILLING CODE 7905-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing-Federal Housing Commissioner

24 CFR Part 866

[Docket No. R-80-828]

Low-Income Public Housing—Lease and Grievance Procedures

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, (HUD).

ACTION: Proposed rule.

SUMMARY: The regulation governing dwelling lease requirements in the Low-

Income Public Housing Program is being revised by the addition of two clarifying provisions at 24 CFR 866.4(1), *Termination of the Lease.* One provision makes it clear that the notice of termination required by 24 CFR 866.4(1)(2) may run concurrently with any notice required by applicable State and local law concerning an action to terminate tenancy in cases of non-payment of rent. The other provides that the PHA may initiate an action to terminate tenancy during the notice period prescribed by 24 CFR 866.4(1)(2)(i).

DATE: Comments due: October 3, 1980.

ADDRESS: Comments should be filed with the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Edward C. Whipple, Office of Public Housing, Room 6240, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755–5840. This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

Inconsistent Interpretation of Current Notices of Termination

It has come to the attention of the Department that the provisions of 24 CFR 866, Subpart A regarding notices of termination in cases of non-payment of rent have been subject to inconsistent interpretations by PHAs, HUD Field Offices, and others. Certain interpretations are contrary to the Congressional concern for prompt processing of evictions in non-payment cases and have led to results contrary to the intent of the regulation. They have unnecessarily prolonged the period of time required for PHAs to terminate dwelling leases for non-payment of rent.

State laws typically provide for a notice period prior to a hearing for termination of tenancy. Ordinarily, a landlord is required to provide a notice of delinquency to a tenant who has not paid rent when due. Subsequently, after a prescribed period, a summons is issued scheduling a court hearing and it is only in conjunction with the hearing that termination of tenancy is obtained.

When Section 866.4(1)(2) is interpreted as prohibiting the initiation of an action to terminate tenancy under State law before the expiration of the notice of termination (required by that section), the result, in many states, is a "two-notice" procedure.

Such a procedure can preclude the execution of an eviction for non-payment of rent or other resolution of the case within the month during which non-payment occurs. Such action can have a serious impact on rent collection efficiency in the public housing program that is inconsistent with Section 6(a)(4)(B) of the United States Housing Act of 1937 which requires procedures that "assure the prompt payment and collection of rents and the prompt processing of evictions in the case of non-payment of rent."

Proposed Change

On August 7, 1975, the Department published regulations at 24 CFR 866, Subpart B requiring PHAs to establish and implement grievance procedures. In addition, a minimum notice period for the termination of the lease was required by 24 CFR 866, Subpart A to assure that a minimum period of time will be available for the tenant to file a grievance before any hearing in State court on the termination of tenancy. This minimum notice period [Section 866.4(1)(2)] is of sufficient length to assure that due process is served by providing an opportunity for the tenant to request a grievance hearing and by allowing for a reasonable time during which a defense can be raised without unreasonably hindering the PHA's rent collection and lease enforcement efforts.

It is the position of the Department that, in the case of non-payment of rent, the federally-prescribed notice period of 14 days and the notice requirements under State law procedures for termination of tenancy need not run consecutively. In addition, after the expiration of the notice prescribed by § 866.4(1)(2)(i), the PHA is not required to honor a request for a grievance hearing in those states which require a notice period in excess of 14 days. The notice of termination issued by the PHA must set forth the notice provisions required by 24 CFR 866.4(1)(3) in a way that will assure that the tenant has been fully apprised of his or her rights under this Part.

It is not the Department's intention, in permitting concurrent notices, to prevent the tenant's access to the grievance procedures or prevent a prompt resolution of the case prior to the court hearing or the termination of tenancy. The proposed amendment provides, therefore, that while the notice required by this Part and the notice required under State law may run concurrently and may be incorporated in the same document, the notice period required under this Part must be over before any hearing concerning the termination of tenancy occurs. In addition, the amendment establishes safeguards that permit filing during the notice period but only in states where the action can be terminated or suspended without cost or prejudice to the tenant if the tenant pays the rent or files a grivance during the notice period.

Inapplicability of NEPA

A finding of inapplicability regarding the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this finding of inapplicability will be available for public inspection during regular business hours at the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

This rule is not listed in the Department's semi-annual agenda of significant rules published pursuant to Executive Order 12044.

Accordingly, it is proposed to amend 24 CFR 866.4 by adding to paragraph (1) new subparagraphs (4) and (5) to read as follows:

§ 866.4 Lease requirements.

* * * * *

(l) Termination of the Lease.

* * * * *

(4) That, in cases of non-payment of rent, the notice of termination, as required by this paragraph, may incorporate and run concurrently with notice required by State law concerning an action to terminate tenancy.

(5) That, in cases of non-payment of rent, the PHA may initiate an action to terminate tenancy in accordance with State law during the notice period required by this paragraph provided that:

(i) any hearing on the termination of tenancy in State court will not occur until after the end of the federally-prescribed notice period,

(ii) Any such hearing or other State-required proceeding shall be terminated by the PHA without cost or prejudice to the tenant if, during the 14-day notice period, the tenant pays the amount due to the PHA, and

(iii) Any such hearing or State-required proceeding shall be suspended by the PHA if, during the 14-day notice period, the tenant files a grievance with the PHA. Continuation of the State proceedings shall be subject to the results of the grievance hearing.

* * * * *

(HUD Section 7(d)(4) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d)); Section 324 of Housing and Community Development Amendments of 1978, PL 95–557, 92 Stat. 2080.)

Issued at Washington, D.C., June 20, 1980.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 80-23376 Filed 8-1-80; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 80-091]

Drawbridge Operation Regulations; Milwaukee, Menomonee, and Kinnickinnic Rivers, and South Menomonee and Burnham Canals, Wis.

AGENCY: Coast Guard, DOT.

ACTION: Proposed Rule.

SUMMARY: At the request of the City of Milwaukee, Wisconsin, the coast Guard is considering revising the regulations governing the operation of certain bridges across the Milwaukee, Nenomonee and Kinnickinnic Rivers, and the South Menomonee and Burnham Canals to require a two-hour advance notice for a bridge opening from 11 p.m. to 7 a.m. This action would relieve the bridge owner of the burden of having bridge tenders on duty at these bridges during this time. This change would not affect hours of operations of the North Broadway and North Water Street bridges across the Milwaukee river or Plankinton Avenue bridge across the Menomonee River, nor would it affect the hours of operation of all but one of the railroad bridges.

DATE: Comments must be received on or before September 4, 1980.

ADDRESS: Comments should be submitted to and are available for examination at the office of the Commander (obr), Ninth coast Guard District, 1240 East Ninth Street, Cleveland, Ohio 44199.

FOR FURTHER INFORMATION CONTACT: Robert W. Bloom, Jr., Chief, Bridge Branch, United States Coast Guard, 12450 Ninth Street, Cleveland, Ohio 44199 (216) 522-3993.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rule making by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgment that their comment has been received should enclose a stamped, self-addressed postcard or envelope.

The Commander, Ninth Coast Guard District, will evaluate all communications received and make a final determination on this proposal. The proposed regulations may be changed in the light of comments received.

DRAFTING INFORMATION: The principal persons involved in drafting this proposal are: Robert W. Bloom, Jr., Chief, Bridge Branch, Ninth Coast Guard District, and Lt. M. E. Reeves, Project Attorney, Ninth Coast Guard District, Legal Office.

Discussion of the proposed regulations

Records of openings for the draws of the affected bridges from 11 p.m. to 7 a.m. show that average openings for a twelve-month period are as follows:

(1) Kinnickinnic River; South Kinnickinnic Avenue, mile 1.45, 340 openings (approximately one per day); South First Street, mile 1.61, 61 openings (approximately one every sixth day).

(2) Menomonee river; North Sixth Street, mile 1.12, 22 openings (approximately one every 16th day); Muskego Avenue, mile 1.70, 40 openings (approximately one every ninth day); 16th Street, mile 1.89, seven openings (approximately one every 51st day).

(3) South Menomonee Canal; South Sixth Street, Mile 1.32, 84 openings (approximately one every fourth day).

(4) Burnham Canal; South 11th Street, mile 1.77, 12 openings (approximately one every 40th day).

(5) Milwaukee River; St. Paul Avenue, mile 0.95, 29 openings (approximately one every 12th day); Claybourn Street, mile 1.04, 29 openings (approximately one every 12th day); Michigan Street, mile 1.13, 19 openings (approximately one every 19th day); Wisconsin Avenue, mile 1.23, seven openings (approximately one every 51st day); Wells Street, mile 1.35, 19 openings (approximately one every 19th day); Kilbourn Avenue, mile 1.45, three openings (approximately one every 120th day); State Street, mile 1.56, three openings (approximately one every 120th day); Juneau Avenue, mile 1.74, three openings (approximately one every 120th day); Cherry Street, mile 1.97, three openings (approximately one every 120th day); Pleasant Street, mile 2.32, three openings (approximately one ever 120th day); With these few openings the Coast Guard feels that the two-hour notice from 11 p.m. to 7 a.m. should be presented to the public for comment.

Extensive modifications are being proposed for the signals used to request and acknowledge the openings of these bridges. The Coast Guard proposes this action to further standardize drawbridge signals throughout the United States. Exceptions are proposed for those bridges in close proximity to lessen the possibility of confusion to the draw tenders concerned.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by revising § 117.655 to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.655 Milwaukee, Menomonee, and Kinnickinnic Rivers, and South Menomonee and Burnham Canals, Milwaukee, Wisconsin; Bridges.

(a) The draws of the Chicago and Northwestern bridges across the Kinnickinnic River, mile 1.0, and the Milwaukee River, mile 0.3; and the Chicago, Milwaukee, St. Paul and Pacific bridge across the Menomonee River, mile 0.1, shall open on signal at all times.

(b) The draws of the North Broadway Street and the North Water Street bridges across the Milwaukee River, mile 0.5 and mile 0.6, respectively; and the North Plankinton Avenue bridge across the Memomonee River, mile 0.1, shall open on signal, except that from 7:30 a.m. to 8:30 a.m., and 4:30 p.m. to 5:30 p.m., Monday through Saturday, except holidays, the draws need not open.

(c) The draws of the Chicago, Milwaukee, St. Paul, and Pacific Railroad bridge and the Chicago & Northwestern Railway bridges across the Kinnickinnic River, mile 1.5 and mile 1.52 respectively; and the draw of the Chicago, Milwaukee, St. Paul, and Pacific Railroad bridge across the Burnham Canal, mile 0.8, shall open on signal if at least two hours notice is given.

(d) All other drawbridges across the Kinnickinnic, Milwaukee, and Menomonee Rivers, and the Menomonee and Burnham Canals shall open on signal from 7 a.m. to 11 p.m. However, from 7:30 a.m. to 8:30 a.m., and 4:30 p.m. to 5:30 p.m., Monday through Saturday, except holidays, the draws need not open. From 11 p.m. to 7 a.m., the draws shall open on signal if at least two hours notice is given.

(e) Signals. (1) The opening signal for all drawbridges except those listed below is one long blast followed by one short blast.

(i) The opening signal for the Chicago and Northwestern drawbridges across the Kinnickinnic River, mile 1.0, and the Milwaukee River, mile 0.3, is two long blasts.

(ii) The opening signal for the Broadway Street drawbridge, mile 0.5, is

three long blasts followed by one short blast.

(iii) The opening signal for the Water Street drawbridge, mile 0.6, is three long blasts followed by two short blasts.

(iv) The opening signal for the Chicago, Milwaukee, St. Paul and Pacific Railroad drawbridge across the Menomonee river, mile 0.1, is two long blasts followed by two short blasts.

(2) The acknowledging signal when the draw will open is the same as the opening signal.

(3) The acknowledging signal when the draw will not open or is open and must close is four short blasts.

(f) The owners of or agencies controlling the bridges, other than those required to open on signal at all times, shall keep conspicuously posted on both the upstream and downstream sides of the bridge, where it may be read at any time, a copy of the regulations in this section as they pertain to each bridge, together with information stating exactly to whom advance notice shall be given when an opening is required.

(Sec. 5. 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(g)(3)).

Dated: July 28, 1980.

A. F. Fugaro,

Rear Admiral, U.S. Coast Guard Commander, Ninth Coast Guard District.

[FR Doc. 23393 Filed 8-1-80; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 117

[CDG 80-092]

Drawbridge Operation Regulations; Umpqua River, Oreg.

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Southern Pacific Transportation Company the Coast Guard is considering revising the regulations governing the operation of the Southern Pacific drawbridge across the Umpqua River, mile 11.5 at Reedsport, Oregon, to provide that the draw shall remain open at all times except when required to be closed for the actual passage of trains or other railroad equipment. This proposal is being made because modernization of operating machinery has made it possible to operate the bridge from a remote control point on the fixed portion of the bridge and to maintain the bridge in the open position for long periods of time. This action will accommodate the needs of rail traffic while maximizing provisions for the reasonable needs of navigation.

DATE: Comments must be received on or before September 4, 1980.

ADDRESS: Comments should be submitted to and are available for examination at the office of the Commander (oan), Thirteenth Coast Guard District, 915 Second Avenue, Seattle, Washington 98174.

FOR FURTHER INFORMATION CONTACT: John E. Mikesell, Chief Bridge Administrator, Aids to Navigation Branch, Room 3564, Federal Building, 915 Second Avenue, Seattle, Washington 98174 (206) 442-5864.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rule making by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgement that their comments have been received should enclose a stamped self-addressed post card or envelope.

Comments received will be fully evaluated before arriving at a final decision on the proposed rule making. Changes may be made to the proposal in light of comments received.

DRAFTING INFORMATION: The principal persons involved in drafting this proposal are: John E. Mikesell, Chief Bridge Administratior, District Aids to Navigation Branch and Lt. B. W. Edwards of the Thirteenth District Legal Officer's staff.

Discussion of the Proposed Regulations:

These regulations are being considered in an effort to provide for the reasonable needs of rail and waterborne transportation while improving operating efficiency of the bridge through remote operation of the drawspan. The proposed regulations would be similar to the regulations currently in effect for the Southern Pacific railroad drawbridge at Coos Bay, Oregon except for the fog bell which is not considered necessary because of the differing conditions between the two waterways.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by revising § 117.725 to read as follows:

§ 117.725 Umpqua River, Oreg., Southern Pacific Transportation Co. railroad bridge at Reedsport.

Bridge of the Southern Pacific Transportation Company at Reedsport, Oregon. (a) The drawspan of the bridge shall be kept open at all times except when actually required for the passage of trains or other railroad equipment over the drawspan. (b) At any time during foggy weather, when the draw is closed and the channel is not clear for the passage of vessels, there shall be sounded a siren with an audible range of ½ mile from the drawspan. The siren shall be sounded continuously from commencement of closure to full opening of the drawspan. When the drawspan is again opened the siren shall be stopped, indicating that the channel is clear for the passage of vessels.

(Sec. 5, 28 Stat. 362 as amended, Sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655 (g)(2); 49 CFR 1. 46(c)(5), 33 CFR 1.05-1(g)(3))

Dated: July 22, 1980.

C. E. Larkin,

Rear Admiral, U.S. Coast Guard, Commander Thirteenth Coast Guard District.

FR Doc. 80-23382 Filed 8-1-80; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

Yosemite National Park; Experimental Fish Management Waters

AGENCY: National Park Service.

ACTION: Proposed rule.

SUMMARY: The intent of this proposed rule is to rescind a special regulation which allows the designation of experimental fish management areas, and the establishment of specific fishing regulations for these areas, within Yosemite National Park, California. This regulation is presently found in 36 CFR § 7.16(k). The experimental fish management program has been unsuccessful and the Service is recommending that it be discontinued.

During this program these areas were closed to fishing. With its discontinuation, public fishing need no longer be prohibited.

DATES: Written comments, suggestions or objections will be accepted if received on or before September 3, 1980.

ADDRESS: Comments should be directed to: Superintendent, Yosemite National Park, P.O. Box 577, Yosemite National Park, California 95389.

FOR FURTHER INFORMATION CONTACT: Dick Riegelhuth, Chief, Division of Resources Management, Yosemite National Park, Telephone: (209) 372-4461.

SUPPLEMENTARY INFORMATION:

Background

In the mid-1960's, the California Department of Fish and Game and the National Park Service agreed to the designation of certain waters within Yosemite National Park as experimental fish management areas. Skelton Lakes and portions of delaney Creek were established as sanctuaries for the Paiute cutthroat trout, an endangered species. Though this species of trout was not native to the park, an attempt was made to establish them in these park waters. Skelton Lakes and portions of Delaney Creek were therefore closed to all public fishing.

Analysis and research by the National Park Service indicates that this program has not been successful to date. The Paiute cutthroat trout have not been established within park waters because they failed to survive in competition with other species of trout. However, they have become well established in other areas in the Sierra Nevadas and are now a threatened, rather than an endangered species. In addition, the introduction of non-Native species into national parks is now contrary to Servicewide policy.

The State of California and the National Park Service have met and agreed that these experimental fish management areas are no longer necessary and that these park waters should be reopened to public fishing. Consequently, the Service is proposing that this special regulation be deleted.

The resources management plan for Yosemite National Park discusses the Service's fishery management policy. An environmental assessment on this plan has been prepared as required by the National Environmental Policy Act (83 Stat. 852, 42 U.S.C. § 4321 *et seg.*). This assessment is on file at the park headquarters listed above.

Public Participation

The policy of the National Park Service is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections regarding this proposed regulation to the address noted at the beginning of this rulemaking.

Impact Analysis

The National Park Service has made a determination that the proposed regulation contained in this rulemaking is not significant, as that term is defined in 43 CFR Part 14, nor does it require the preparation of a regulatory analysis pursuant to the provisions of this authority. In addition, the Service has determined that this proposed regulation is not a major Federal action significantly affecting the quality of the human environment, which would require preparation of an environmental statement.

Drafting Information

The following individuals participated in the writing of this proposed regulation: Dick Riegelhuth, Yosemite National Park, California, and Maureen Finnerty, National Park Service, Washington, D.C.

(Section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. § 3); 245 DM I (44 FR 23384); and National Park Service Order No. 77 (38 FR 7478), as amended)

F. R. Holland, Jr.,

Acting Associate Director, Management and Operations, National Park Service.

In consideration of the foregoing, it is proposed to amend Part 7 of Title 36, Code of Federal Regulations as follows:

§ 7.16 [Amended].

Delete all of § 7.16(k).

[FR Doc. 80-23375 Filed 8-1-80; 8:45 am]

BILLING CODE 4310-70-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FR 1558-6]

Availability of Implementation Plan Revision for State of Oregon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Availability and Advance Notice of Proposed Rulemaking

SUMMARY: EPA announces today that operating rules for the Portland, Oregon automobile inspection and maintenance (I/M) program have been submitted by the State in fulfillment of a condition on the approval of this portion of the Oregon Part D SIP revision.

The public is invited to submit written comments to the record which will be held open for a period of thirty (30) days.

A Notice of Proposed Rulemaking describing the rules and the action that EPA intends to take regarding them will be published in the **Federal Register** after the initial thirty (30) day public comment period has closed. A second period for the submittal of written comments will extend for thirty (30) days after the publication of the Notice of Proposed Rulemaking.

DATE: Comments are due by September 3, 1980.

ADDRESSES: The Oregon submittal may be examined during normal business hours at the following locations:

Central Docket Section (#10A-79-2), Library Systems Branch, Environmental Protection Agency, West Tower Lobby, Gallery I, 401 M Street, S.W., Washington, D.C. 20460.

Library, Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Seattle, Washington 98101.

State of Oregon, Department of Environmental Quality, Yeon Building, Fourth Floor, 522 S.W. 5th Avenue, Portland, OR 97207.

Comments should be addressed to: Laurie M. Kral, Air Programs Branch M/S 629, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101

FOR FURTHER INFORMATION CONTACT: Michael J. Schultz, Air Programs Branch, M/S 625, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone No. (206) 442-1226, (FTS 399-1226).

SUPPLEMENTARY INFORMATION: On June 24, 1980 EPA published in the **Federal Register** (45 FR 42265) final rulemaking on Part D revision to the Oregon SIP. As part of this action, EPA approved the ongoing Portland I/M program on the condition that the State submit adequate operating regulations for this program by July 15, 1980. The State responded on June 26, 1980 by submitting (1) copies of those sections of the Oregon Administration Rules, Chapter 340 that apply to their I/M program and (2) documentation that the rules were adopted in accordance with the requirements of 40 CFR 51.4.

The purpose of this notice is to call the public's attention to the fact that these rules have been formally submitted to EPA and are available for public inspection at the locations noted above. The public is encouraged to submit written comments regarding the proposed rules and thus participate in this rulemaking activity.

A more detailed description of the proposed Oregon SIP revisions will be published in the **Federal Register** at a later date as part of a Notice of Proposed Rulemaking.

(Secs. 110, 172, Clean Air Act (42 U.S.C. 7410 and 7502))

Dated: July 25, 1980.

Donald P. Dubois,

Regional Administrator.

[FR Doc. 80-23319 Filed 8-1-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 52

[FRL 1559-3]

Approval and Promulgation of Secondary Nonattainment Plans for Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Part D of the Clean Air Act, as amended in 1977, requires states to revise their State Implementation Plans (SIP) for all areas that have not attained the National Ambient Air Quality Standards (NAAQS). The State of Iowa submitted a package of SIP revisions on June 22, 1979. In the final rulemaking on that submission, published in the Federal Register March 6, 1980 (45 FR 14561), EPA took a number of actions on this submission including granting an extension until July 1, 1980, for submission of plans to attain secondary particulate standards in 12 nonattainment areas.

The State of Iowa submitted the secondary nonattainment plans on April 18, 1980. In this notice the Iowa submission is summarized and issues that affect SIP approval are discussed. EPA proposes to approve some portions of the Iowa submission and to approve other portions submect to certain conditions.

Approval means that regulations adopted by the state will also be enforceable by the Federal Government. Any strategies committed to by the state become obligations upon the state.

DATES: Comments must be received by October 3, 1980.

ADDRESSES: Comments should be sent to: Mr. Daniel J. Wheeler, Air Support Branch, Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106.

Copies of the state submission are available for public inspection during normal business hours at the above address and at the following locations:

Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M Street, S.W., Washington, D.C.

Iowa Department of Environmental Quality, Henry A. Wallace Building, 900 East Grand, Des Moines, Iowa.

FOR FURTHER INFORMATION CONTACT: Daniel J. Wheeler at 816-374-2880 (FTS 758-2880).

SUPPLEMENTARY INFORMATION:

A. General Discussion

The Clean Air Act as amended in 1977 contains requirements concerning air pollution which must be satisfied by all states. In particular, Section 107 of the Act requires an indentification of each area which has not yet attained the National Ambient Air Quality Standards (NAAQS). Section 172 requires each State Implementation Plan (SIP) to be revised to provide for the attainment and maintenance of the NAAQS in these identified nonattainment areas. Section 172 also generally requires the submission of these revised plans by January 1, 1979, and requires that such plans be approved by July 1, 1979, unless the state has been granted an extension of time to submit a plan to attain secondary standards. For areas where the SIP is not approved by July 1, 1979, and an extension is not granted, the Act provides that no new major sources of air pollution may be constructed in those areas until the plan is approved.

For general background the reader should refer to the Federal Register of April 4, 1979 (44 FR 20362) for the General Preamble to the proposed rulemaking for all nonattainment plan submissions. The General Preamble was supplemented on July 2, 1979 (44 FR 38583), August 28, 1979 (44 FR 50371), September 17, 1979 (44 FR 53761) and November 23, 1979 (44 FR 67182). These Federal Register notices describe in greater detail the requirements for an approvable nonattainment plan.

This notice contains discussions of the issues which could affect approval of the Iowa SIP. Each discussion includes a brief description of the requirement in question and an evaluation of the SIP as it relates to the requirement. In some cases EPA proposes to conditionally approve the plan where there are minor deficiencies with the requirement that the state submit corrections by specified deadlines. this notice solicits comment on what items should be conditionally approved and on what deadlines should apply. A conditional approval will mean that the restrictions on new major source construction will not apply unless the state fails to submit the necessary SIP revisions by the scheduled dates, or unless the revisions are not approved by EPA.

B. Background

The Iowa Department of Environmental Quality (IDEQ) at the request of the Governor, submitted to EPA on June 22, 1979, a package of SIP revisions pertaining to nonattainment areas in Iowa. The submission contained plans to attain standards in four nonattainment areas and a package of proposed redesignations of attainment status under Section 107 of the Act. EPA proposed approval action on this submission in the Federal Register of September 7, 1979 (44 FR 52263). Final action was taken on March 6, 1980 (45 FR 14561).

The plans submitted were to attain the primary particulate standards in four nonattainment areas and to attain the ozone and carbon monoxide standards in areas where they are exceeded. The submission did not contain plans to attain the secondary particulate standards.

In the final rulemaking, EPA noted the state's commitment to submit secondary particulate attainment plans and granted the state an extension until July 1, 1980, for submitting plans to attain secondary standards in four areas which exceed the primary particulate standards, and eight additional areas which exceed only the secondary particulate standards. On April 18, 1980, the state submitted the required secondary plans.

C. Designated Nonattainment Areas

The first official nonattainment designations under Section 107 for Iowa were promulgated on March 3, 1978 (43 FR 8962). These nonattainment designations were codified at 40 CFR Part 81. At that time, eight areas were designated as exceeding the primary and secondary standards for total suspended particulates (TSP) and an additional four areas were designated as exceeding only secondary standards for TSP.

In the March 6, 1980, rulemaking, EPA changed the designation of four areas which had been designated both primary and secondary nonattainment by removing the primary nonattainment designations and retaining the secondary nonattainment designations. The final designations indicate the following cities exceed both primary and secondary TSP standards: Mason City, Cedar Rapids, Des Moines, and Davenport. The following cities exceed only secondary TSP standards: Keokuk, Council Bluffs, Fort Dodge, Sioux City, Clinton, Marshalltown, Muscatine, and Waterloo.

The June 22, 1979, state submission addressed attainment of primary standards in the four cities listed above. The submission of April 18, 1980, addresses attainment of secondary standards in all 12 of these areas.

D. Nonatttainment Plan Provisions

The SIP submission consists of a mix of strategies including more stringent emission limits and commitments to conduct studies to determine what additional control measures may be necessary.

The submission contains individual plans for each of the twelve nonattainment areas. The plans to attain

secondary standards in the four areas which also exceed primary standards are in the form of addendum documents which update the previously submitted primary attainment plans to also address secondary standards. Since these plans rely for their basis on the primary plans, only the additional necessary information is discussed here. For the eight areas which exceed only the secondary standards, the state has submitted documents intended to address all requirements of Part D. Therefore, these plans will be discussed with respect to all requirements.

For convenience, the four areas referenced above which exceed the primary as well as secondary standards will be referred to as primary areas. Areas which exceed only the secondary standard will be referred to as secondary areas. Primary areas are discussed first.

(1) Primary Nonattainment Areas

This section will discuss each of the requirements of a nonattainment plan as it pertains to the primary area plans submitted by Iowa. There is also a brief discussion of the changes from the original plans. No discussion is necessary of provisions which are not modified from the primary plans.

(a) *Attainment Date.* Section 172(a)(1) requires the plans to provide for attainment of each NAAQS in each area as expeditiously as practicable. Primary particulate standards must be met by December 31, 1982 but no specific deadline is set for attaining the secondary standard. Because the state believes that agricultural dust must be reduced to attain the standard, and because this reduction will be accomplished by soil erosion control programs, which are just beginning, the state has selected 1995 as the date to attain the secondary standard in the four primary areas. EPA believes the plan does not adequately demonstrate that the 1995 attainment date is as expeditious as practicable. However, EPA considers this deficiency a minor one because the state may be able to demonstrate that the attainment date is as expeditious as practicable once the planned non-traditional studies, described below, to which the state is committed, are complete. There is no evidence at this time that the date is not as expeditious as practicable.

Approval is proposed on the condition that a reanalysis of the attainment date be submitted following completion of the scheduled non-traditional studies. Submission of this reanalysis is proposed to be required by December 31, 1981.

(b) *Public Participation.* Section 172(b)(1) requires the plan be adopted after reasonable notice and public hearing. The plans were considered at a public hearing held in Des Moines, Iowa, on February 26, 1980. This hearing was announced in the Iowa Administrative Bulletin and in several newpapers during December 1979. The plans were officially adopted during a public meeting of the Iowa Air Quality Commission in Des Moines, Iowa, on March 11, 1980. EPA proposes to accept this procedure as representing reasonable notice and public hearing.

(c) *Reasonable Further Progress.* Section 172(b)(3) requires reasonable further progress (RFP) toward attaining the standard by the date specified above. Each primary area plan contains a schedule of emission reductions and also a schedule of studies to be undertaken to develop control strategies to achieve those reductions. The state proposes a number of studies concerning non-traditional sources of particulate; that is, such sources as roads and parking lots, rather than industrial buildings. The studies would include analyses of air samples to determine what types of sources are causing violations, inventories and evaluations to determine which sources need to be controlled, and tests to determine what control methods would be most effective in controlling the sources which must be controlled.

In the primary areas the state schedule calls for studies during 1980 with new control strategies to become effective in 1981 to attain the primary standard. Adoption of additional strategies is expected following primary attainment. However, there is no firm commitment in the plan for schedules of studies and implementation of control measures to attain the secondary standard. Therefore, EPA proposes to conditionally approve the plan as representing RFP on the condition that the state submits a commitment and schedule for completing such studies and expeditiously implementing the results of such studies in the form of control strategies by November 1, 1980.

(d) *Permits.* Section 172(b)(6) requires permits for the construction and operation of new or modified major stationary sources in nonattainment areas. Among other things it requires that increased emissions must be accommodated in the SIP or specifically offset. The state submission of June 22, 1979 contains a regulation requiring offsets in primary nonattainment areas. This regulation has now been expanded to apply to secondary nonattainment areas also. A discussion of how it applies in secondary areas appears in paragraph (2)(g) of this notice.

The offset rule does not provide any mechanism whereby external offsets become part of the SIP. EPA policy requires that such offsets be submitted as SIP revisions. EPA proposes to conditionally approve this rule, if during the comment period, the state will commit to amending the SIP to require submission of offsets and also commit to submitting any offsets negotiated prior to amendment of the SIP. EPA proposes that the SIP be revised to meet this condition by April 1, 1981.

(e) *Other Requirements.* EPA has evaluated the primary area plans with respect to other requirements in Section 172 and determined that, other than the above items which are directly related to secondary standard attainment, there are no changes affecting the March 6, 1980 action. This particularly applies to the requirements for reasonably available control measures (§ 172(b)(2)), emission inventory (§ 172(b)(4)), emissions growth (§ 172(b)(5)), identification and commitment of financial and manpower resources (§ 172(b)(7)); emission limitations, schedules of compliance and other measures as may be necessary (§ 172(b)(8)); evidence of public, local government, and state legislative involvement (§ 172(b)(9)); and written evidence of adoption of the plan by legally enforceable document (§ 172(b)(10)). These remain in effect and satisfy the requirements for secondary plans.

Final action was taken on the plans to attain the primary standard in the four areas where it is exceeded. This proposed action deals only with the additional requirements relating specifically to attainment of the secondary standard. Where the current submission does not address other requirements or affect any action EPA has already taken, this notice does not discuss those items. The approvals and conditions for the primary areas, on which final action was taken on March 6, 1980, remain in effect.

(2) *Secondary Areas*

The state has developed a plan for each of the secondary nonattainment areas. Each of the plans is constructed along the same outline and contains material similar to each of the others. Therefore, each requirement of the act will be discussed as it affects and is satisfied by the eight secondary area plans as a group.

(a) *Attainment Date.* Each of the secondary plans specifies an attainment date of 1985. The state believes this will allow adequate time to conduct studies in the nonattainment areas and

implement the measures shown to be effective in reducing particulate levels. The schedule calls for studies to be completed in 1981, new regulations to be adopted in 1982, sources to come into compliance with the new rules in 1983 and 1984 and for attainment of the secondary standard in 1985. EPA believes this represents an expeditious schedule because it will be the initial control effort for the nontraditional categories of sources and difficulties can be reasonably anticipated both in developing strategies and in implementing them. EPA proposes to approve the 1985 attainment date as being as expeditious as practicable.

(b) *Public Participation.* The secondary plans were considered at the same hearing as the primary plans discussed above. As above, EPA proposes to approve this procedure.

(c) *Reasonably Available Control Measures.* Section 172(b)(2) requires implementation of all reasonably available control measures as expeditiously as practicable. The submission states that the current SIP does not require use of reasonably available control technology (REACT) to reduce fugitive emissions from all traditional sources in secondary nonattainment areas.

To require the use of REACT on all traditional sources in nonattainment areas the state has modified its fugitive emission regulation to eliminate the provision requiring a complaint to start enforcement action. In the June 22, 1979, submission this rule applied only in primary nonattainment areas. The state has now amended this rule to extend its applicability to secondary nonattainment areas.

As pointed out in the final rulemaking on the primary attainment plans, the fugitive emissions regulation does not state exactly which sources are regulated and precisely what those sources are expected to do. EPA does not believe this is a major problem because the state has had good success in enforcing similar regulations in the past. However, EPA believes that the state should specify more completely the effects of this regulation. EPA has already approved this rule as it relates to primary nonattainment areas with the condition that the state develop an enforcement guidance manual for implementing this regulation in primary nonattainment areas. This additional information is to be submitted by February 1, 1981. EPA now proposes approval of the rule as it relates to the secondary areas on the condition that similar guidance be developed for the secondary areas. EPA also proposes to require this enforcement guidance material be submitted by February 1, 1981.

There is also a question as to whether or not existing fuel burning sources of particulate are controlled to levels representing RACT. The state has committed to demonstrate that such sources are controlled to levels representing RACT. For the primary nonattainment areas EPA approved this provision on the condition that the information be submitted by February 1, 1981. Since it will take additional time to analyze the sources in the secondary areas after the sources in the higher primary areas are completed, EPA proposes approval with respect to the eight secondary areas on the condition that the additional information be submitted by July 1, 1981.

(d) *Reasonable Further Progress (RFP).* Section 172(b)(3) requires that RFP be made toward attainment of the standard. The plans present base year inventories and graphs showing annual emission reductions with attainment by 1985. EPA proposes to approve this demonstration as showing that RFP will be made.

(e) *Emission Inventory.* Section 172(b)(4) requires the plan to contain a comprehensive, accurate, current inventory of actual emissions from all sources and requires the inventory to be updated as often as necessary to assure that reasonable further progress is made and that the standard will be attained by the specified date. The state of Iowa has submitted emission inventory information representing not just each source, but each emission point in each of the nonattainment areas. The inventory includes growth and reduction projections and individual stack parameters for each emission point. The state has also committed to submitting annual updates to the inventory. EPA proposes to approve this inventory as satisfying the inventory requirements of the Act.

(f) *Emission Growth.* As discussed above, the emission inventory contains a growth projection factor for each area. In addition, the state has identified a margin for gowth in the secondary nonattainment areas. The margin in each plan is 5 micrograms per cubic meter which is 3.3 percent of the secondary standard of 150 micrograms per cubic meter. The margin in terms of air quality is the same for all the secondary nonattainment areas. In terms of emission inventory each area has a specific number of tons per year of additional emissions that may be accommodated without endangering the attainment date. The state has committed to requiring additional emission reductions from existing sources any time the growth margin is used up, to allow economic growth while still providing for reasonable further progress and attainment. EPA proposes to approve this portion of the plan as meeting the requirements of Section 172(b)(5).

(g) *Permits.* Section 172 (b)(6) requires permits for the construction and operation of new or modified major stationary sources. For the permit to be issued, the emissions from the new source must be accommodated in the SIP or specifically offset, the source must comply with the lowest achievable emission rate, and the owner or operator must demonstrate that other major sources owned, operated or under common control in the state are in compliance with all applicable emission limits and standards or on a compliance schedule. The state has adopted a permit regulation that generally satisfies the above requirements. There are, however, some significant differences.

The applicability of the regulation is based on the potential to emit of the sources. Sources which have the potential to emit more than 100 tons per year of particulate matter are subject to this rule. Other sources are not. The term "potential to emit" is defined generally in accordance with the definitions included in EPA's proposed rulemaking of September 5, 1979 (44 FR 51948) except the state's definition of the term allows consideration of enforceable permit conditions on the amount of materials burned or processed in determining the annual potential. if there is an enforceable limit which reduces the potential to emit below 100 tons per year, the source is not subject to the requirements of the state offset rule. The state regulation also allows consideration of air pollution control equipment on the source. Existing EPA regulations allow the inclusion of permit conditions but do not allow the consideration of control equipment in determining annual potential emissions. Therefore, the state definition is less stringent than both the existing and the proposed federal requirement.

EPA has not issued final regulations. EPA's interium policy requires that state regulations must be consistent with existing EPA regulations or with the proposal of September 5, 1979. Since the state definition of "potential to emit" does not comply with this policy, EPA considers the Iowa regulations to be deficient.

EPA believes the deficiency is a minor one. The air quality impact of those sources which would escape the Iowa new source review requirements would be minimal. Therefore, EPA proposes

approval with respect to this portion of the SIP on the condition that by March 1, 1981, the definition of "potential to emit" is revised to conform to the definition proposed in the September 5, 1979 **Federal Register**, or, if a final definition is promulgated by EPA prior to January 1, 1981, to conform to that final definition.

Another point of difference concerns the requirement for obtaining offsets in secondary nonattainment areas. EPA guidance to the state allows some discretion in requiring offsets for new sources locating in secondary nonattainment areas which are dominated by agricultural influences. In particular, offsets need not be obtained if they are not reasonably available from industrial sources. The state has defined offsets as being "reasonably available" only if they can be obtained at the owner or operator's own major source (internal offsets). This excludes the possibility that they could come from minor sources or that they could come from other facilities (external offsets).

EPA believes that some discretion is necessary to determine availability of offsets on a case-by-case basis. However, the regulation is so narrowly drawn that it may exempt sources where offsets from external sources or from minor sources are reasonably available in a practical sense. Therefore, this particular provision (400—3.5 (2)c.) may not be fully approvable. However, EPA believes this to be minor in that few sources in secondary non-attainment areas in Iowa need to obtain external offsets in the near future. Therefore, this minor deficiency can be conditionally approved. EPA proposes approval on the condition that the definition of "reasonably available" be revised to provide for broader case-by-case determinations, not limited to major internal offsets, by March 1, 1981.

One other issue is that external offsets, to satisfy the requirements of Federal law, must be Federally enforceable. The SIP does not now contain a commitment to submit each offset as a plan revision and is not fully approvable until it does. EPA proposes to conditionally approve the state rule on external offsets (400—3.5 (5)j.) on the condition that the SIP be amended by December 31, 1980 to include a commitment to submit each offset as a plan revision and that the state commit to submit as an SIP revision any offset negotiated prior to that amendment.

(h) *Identification of Resources.* As in the primary attainment plans the state has referenced the Iowa/EPA Agreement and the grant to the state under the Clean Air Act as identifying and committing resources. EPA approved the identification and commitment of resources on March 6, 1980, for the primary areas and proposes to approve it for secondary areas.

(i) *Limits and Schedules.* Section 172(b)(8) requires emission limits, schedules of compliance and other measures as may be necessary to meet the requirements of the Act. As discussed under the section on RACT, the secondary area plans do contain new emission limitations. They do not contain schedules for compliance. This means that all sources affected by the new limits must be in compliance on the effective date of the regulation. Sources that are not in compliance on the effective date are potentially subject to monetary noncompliance penalties under Section 120 of the Act.

The plan also contains other measures as necessary for attainment. In particular, it contains schedules to conduct studies of nontraditional source controls and to implement the results of these studies as control strategies as discussed in paragraph (2)(a) above. EPA proposes to approve these as meeting the requirements relating to emission limits, compliance schedules and other measures.

(j) *Consultation.* Section 172(b)(9) requires evidence of public, local government and state legislative involvment including an identification and analysis of air quality, health, welfare, economic, energy and social effects of the plans and a summary of the public comments on such analysis. The plans contain evidence that local leaders in all areas were consuled in developing these plans. The required analysis was made available to the public in January 1980. No public comment on such analysis were received. The state legislature was involved in the review of the proposed plan through its Administrative Rules Review Committee. EPA proposes to approve these plans as meeting this requirement.

(k) *Commitments.* Section 172(b)(10) requires written evidence that the necessary requirements, schedules and time tables have been legally adopted and are committed to be implemented. Specific EPA requirements regarding schedules and time tables with respect to non-attainment plan revisions are contained in the General Preamble. The plans contain evidence that the regulations thus far submitted have been legally adopted and are legally enforceable against subject sources. The future studies to be performed are firm commitments by the State of Iowa. Through the mechanism of the Iowa/EPA Agreement, EPA will also support the State in conducting these studies. Therefore, EPA believes that the necessary commitments exist and these plans are approvable with respect to this provision.

E. Summary

EPA generally proposes to approve or conditionally approve Iowa's plans to attain the secondary standards for total suspended particulate in the eight secondary nonattainment areas and in the four primary nonattainment areas. EPA proposes to conditionally approve the plans with respect to reasonable further progress in primary areas, secondary standard attainment date in primary areas, reasonably available control measures in secondary areas, and new source permits in all areas. The plans are proposed to be unconditionally approved with respect to other requirements. The previously submitted plans to attain the primary standards in the four primary nonattainment areas are not changed, except as specifically noted in this document. In particular, the conditional approvals relating to maintenance of standards and to reasonably available control measures are not changed.

The Administrator's decision to approve or disapprove the proposed revisions will be based on the comments received and on a determination of whether the revisions meet the requirements of Part D and Section 110(a)(2) of the Clean Air Act and of 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of State Implemenation Plans.

The measures proposed today, if formally approved by EPA, will be in addition to, and not in lieu of, existing state regulations. The present emission control regulations will remain applicable and enforceable to prevent a source from operating without controls or under less stringent controls, while it moves toward compliance with new regulations. Failure of a source to meet appliçable preexisting regulations will result in appropriate enforcement action, including assessment of non-compliance penalties. Furthermore, if there is any instance of delay or lapse in the applicability or enforceability of any regulation, because of a court order or for any other reason, the preexisting regulations will be applicable and enforceable.

This notice of the Proposed Rulemaking is issued to advise the public of EPA's intended action on the Iowa SIP submission. EPA requests comments on all aspects of the submission, not just those specifically identified by EPA as potential issues.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the order, or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." EPA has determined that this is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

This notice of Proposed Rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended.

Dated: June 24, 1980.

Kathleen Q. Comin,

Regional Administrator.

FR Doc. 80-23323 Filed 8-1-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80-415; RM-3475]

FM Broadcast Station in Naples, Fla.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rule making.

SUMMARY: This action proposes the assignment of a fourth FM channel to Naples, Florida, in response to a petition filed by L. S. Vance.

DATE: Comments must be filed on or before September 19, 1980, and reply comments on or before October 9, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Myra G. Kovey or Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: July 21, 1980.

Released: July 25, 1980.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Naples, Florida).

By the Chief, Policy and Rules Division: 1. A petition for rule making has been filed by L. S. Vance ("Vance") seeking assignment of Channel 288A to Naples, Florida, as its fourth FM allocation.[1] Oppositions were filed by Collier Broadcasting Company, Inc. ("Collier") and by Sterling Communications Corporation ("Sterling"), both licensees of existing FM stations in Naples. A reply to oppositions was filed by Vance.

2. Located on the west coast of Florida, Naples is approximately 201 kilometers (125 miles) south of St. Petersburg, and 161 kilometers (100 miles) west of Miami. The city's population under the 1970 U.S. Census was 12,042; 1978 population estimates by the Southwest Florida Regional Planning Council show a growth to 17,462, petitioner states. One AM station and three FM stations now serve the city.

3. As opponents argue and petitioner concedes, we declined in 1976 to allocate a fourth FM channel to Naples, finding the city too small to justify an additional assignment. *Naples, Florida,* 41 FR 44427 (1976). Our reliance there on population criteria[2] has given way however to a new emphasis on efficiency, our current feeling being that frequencies should not remain idle when a demand exists for their use in one community and the preclusive impact is insignificant. See *e.g., Waycross, Georgia,* 45 FR 25806 (1980), and cases cited therein. Hence, we now weigh against the population criteria which formed the basis of our previous decision[3] the amount of preclusion which would result from the proposal and the availability of alternative channels in precluded communities.[4]

4. With respect to preclusion, eight communities with populations exceeding 1,000 would be precluded by the proposed assignment, four of which have no local aural service. One of the four, North Naples, has been found not to be a "community" for allocation purposes. *North Naples, Florida,* 42 FR 63887 (1977). The other three are Fort Myers Villas-Pine Manor, Naples Park and East Naples. Petitioner contends that Channels 276A, 285A and 292A are available for use in these communities. The accuracy of this contention, the extent to which the cited communities are "communities" for our purposes[5] and any other factors which the parties deem relevant to our determination should be addressed in the comments to this *Notice.* Our determination, as noted earlier, will focus upon the efficiency of the proposed assignment, *i.e.,* upon whether the frequency would be best used in Naples or elsewhere. It is true but not dispositive that a fourth assignment would exceed our population guidelines and this point requires no further elaboration.

5. In view of the foregoing the Commission proposes to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Naples, Florida	228A, 233, 249A	228A, 233, 249A, 288A.

6. Authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. *NOTE:* A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before September 19, 1980, and reply comments on or before October 9, 1980.

8. For further information concerning this proceeding, contact Myra G. Kovey or Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until it is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached.

[1] Public Notice was given on September 19, 1979, Report No. 1192.

[2] Cities of under 50,000 are usually limited to two FM channels. Exceptions are not uncommon, though, and Naples itself was assigned a third channel in 1974 to reflect recent past and anticipated further growth. *Naples, Florida,* 39 FR 44027.

[3] Vance's contentions to the contrary notwithstanding, we consider only the actual community of license in calculating population. Thus, it is irrelevant for our purposes that the "greater Naples" area has a population exceeding 50,000.

[4] For this reason, our earlier denial of an identical request is not controlling here.

[5] It would appear that Naples Park and East Naples share common characteristics with North Naples.

Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

FR Doc. 80-23356 Filed 8-1-80; 8:45 am]

BILLING CODE 6712-01M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 398

[Docket No. MC-93; Notice No. 80-7]

Transportation of Migrant Workers

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Department of Transportation (DOT), FHWA, is considering the revision of its current regulations for the transportation of migrant workers in interstate commerce, in order to ensure the safe transportation of migrant workers under today's conditions. The absence of well-documented information concerning the present methods of migrant workers' transportation and the degree of risk exposure in such transportation makes it difficult to make reasonable judgments as to what modifications are appropriate and necessary. This advance notice of proposed rulemaking (ANPRM) solicits comments and requests information concerning the transportation of migrant workers. The ANPRM also seeks information as to what regulations, if any, should be added, modified, or revoked. All comments will be considered before any further rulemaking action is taken.

DATE: Comments are due on or before December 2, 1980.

ADDRESS: Submit comments to BMCS Docket No. MC-93, Room 3402, Bureau of Motor Carrier Safety (BMCS), Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald J. Davis, Chief, Development Branch, BMCS, (202-426-1700), or Mrs. Kathleen S. Markman, Attorney, Motor Carrier and Highway Safety Law Division, Office of the Chief Counsel, (202-426-0346), Federal Highway Administration, Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: On June 18, 1957, the Interstate Commerce Commission (ICC) established the first nationwide regulations governing the physical qualifications of drivers and the safety condition of interstate motor vehicles transporting migrant agricultural workers. These standards related to the comfort and safety of the migrant workers as passengers and extended to the condition of the passenger compartments, driver qualifications, driving rules, required parts and accessories necessary for safe operation, hours of service of drivers, and inspection and maintenance requirements.

The regulations can be traced to the President's Committee on Migrant Labor formed in August 1954. This committee was influential in focusing attention on many of the serious problems faced by migrant agricultural workers. On February 8, 1956, after reviewing the status of interstate migrant transportation, the President's Committee issued a report entitled "Suggested Regulations for the Transportation of Migrant Workers by Motor Vehicles." A year later, after extended hearings on the subject, the ICC issued regulations governing the transportation of migrant workers.

The regulations were aimed at trucks and buses, owned and operated by contractors or crew leaders, which carried agricultural workers and their families across State lines. The decision to impose new regulations grew out of an awareness that the poor condition and unsafe operation of these vehicles endangered the lives of substantial numbers of persons forced to rely on this type of transportation to find work. Accidents resulting in the death of or serious injury to large numbers of migrant workers made recurring headlines in various newspapers across the Nation.

The ICC's regulations of 1957 were followed by a series of actions by both Federal and State authorities. among the most important results of Federal legislation was Public Law 88-582, the Farm Labor Contractor Registration Act of 1963 (FLCRA), which required registration of farm labor contractors and their employees. The registration program, implemented in 1964 by the Department of Labor (DOL), was to protect the migrant farm workers from abuse and exploitation by farm labor contractors. These regulations, under the DOL, were amended in 1974 to protect *intrastate* as well as interstate migrant agricultural and horticultural workers.

Enforcement of the ICC's original regulations was transferred to the Department of Transportation (DOT) upon its establishment in 1967. The provisions of the original regulations were codified as Part 398 of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR Subchapter B).

Part 398 followed the construction and intent of the ICC regulations. It currently applies to motor carriers:

"of migrant workers, * * *, only in the case of transportation of any migrant worker for a total distance of more than seventy-five miles, and then only if such transportation is across the boundary line of any State, the District of Columbia, or Territory of the United States, or foreign country."

Minimal vehicle condition criteria were established to require that vehicles transporting migrant workers were mechanically safe. Requirements were also included to ensure that passengers have sufficient space in which to sit and are protected from the elements. The driver of a motor vehicle must be certified as physically fit, in accordance with § 398.3(b) of the FMCSR, by a licensed doctor of medicine or osteopathy. The driver must also carry a permit authorizing him/her to operate the type of vehicle being driven.

Changes in the type of motor vehicles used to transport migrant workers (e.g., use of recreational vehicles by the workers themselves) have raised questions concerning the present applicability of Part 398 to vehicles being used to carry migrant workers in interstate commerce. These regulations have basically remained unchanged for the past 23 years. In April 1977, a private research firm entered into a contract with the FHWA to assess the current volumes and methods of transporting migrant workers in interstate commerce. The resultant research document is available for inspection at the BMCS (see address provided above).

The findings of the research contractor indicate that there has been a major change in modes of transportation used by interstate migrant workers in recent years. Specifically, there has been a substantial decline in the number of trucks and buses transporting work crews in interstate commerce.

The study also suggested that Part 398, in its present form, has very limited applicability to migrant worker transportation. The contractor's data indicate that the number of large trucks and buses handling a great number of migrant workers in interstate transportation has decreased substantially. It was found that most migrant workers travel in family units in either private automobiles, pickup trucks, or recreational vehicles. This is *not* to say that there are no migrant workers traveling in large trucks and buses. As of December 31, 1979, there were 18,656 farm labor contractors and employees, engaged in the interstate transportation of migrant workers, who were registered with the DOL's Employment Standards Administration. It is evident that there is a need to reexamine the appropriateness of the existing Regulations.

The principal reasons for issuing this ANPRM are (1) the need to reassess the safety requirements of Part 398 in regard to the present migrant worker transportation trends; and (2) to provide interested persons the opportunity to comment on the need for improved protection for migrant workers as regards transportation.

Interested persons are invited to comment especially in regard to the following areas:

1. Should the transportation of migrant workers in trucks or tractor-trailers as presently defined in Part 398 be allowed to continue?

2. Should the qualifications for drivers or operators of migrant worker transportation vehicles be made more stringent than they are now?

3. Should there be requirements for notification, reporting and recording of motor vehicle accidents, such as those in Part 394?

4. Should there be more stringent inspection and maintenance requirements for motor vehicles used in migrant worker transportation?

5. Should the FHWA require documentation for hours of service of drivers as set forth in § 398.6?

6. Should standards similar to those in Parts 390–396, without the attendant paperwork be developed and promulgated? (The regulations pertaining to the transportation of migrant workers are not as stringent as those pertaining to common carriers in interstate commerce found in Parts 390–396.)

Those desiring to comment on this rulemaking action are asked to submit their views, data and arguments to the docket at the address provided above. Comments need not be limited to the area specifically mentioned in this ANPRM. All communications received will be considered before any proposals for rulemaking action are developed.

All comments submitted will be available, both before and after the closing date, for examination by interested persons in the Docket Room of the BMCS, Room 3402, 400 Seventh Street, SW, Washington, D.C. 20590. If it is determined to be in the public interest to proceed further after summarizing the comments and considering the available data and comments received in response to this ANPRM, a notice of proposed rulemaking will be issued.

Note.—The Federal Highway Administration has determined that this document does not contain a significant proposal according to the criteria established by the Department of Transportation pursuant to Executive Order 12044. The anticipated impact of this proposal is minimal; therefore, it has been determined that it does not warrant the preparation of a full regulatory evaluation.

(49 U.S.C. § 304, 1655, 49 CFR 1.48(h) and 301.60)

(Catalog of Federal Domestic Assistance Program, Number 20.217, Motor Carrier Safety).

Issued on: July 28, 1980.

Robert A. Kaye,

Director, Bureau of Motor Carrier Safety.

[FR Doc. 80-23358 Filed 8-1-80; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 80-12; Notice 1]

Federal Motor Vehicle Safety Standards; Seat Belt Assemblies

AGENCY: National Highway Traffic Safety Administration (NHTSA).

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend Safety Standard No. 209, *Seat Belt Assemblies,* to exempt seat belts installed in conjunction with automatic restraint systems from the belt elongation requirements of the standard. This proposal is based on a petition for rulemaking submitted by Mercedes-Benz of North America. The proposed amendment would allow the use of belt systems incorporating load-limiting devices which are intended to reduce head and upper torso injuries during an accident. Some load-limiting belt systems utilize belt webbing that elongates more than is currently allowed by the standard. The proposed amendment would permit this and other type systems.

DATES: Comment closing date: September 18, 1980. Proposed effective date: upon publication of a final rule.

ADDRESSES: Comments should refer to the docket number and notice number and be submitted to: Docket Section, Room 5108, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. (Docket hours: 8:00 p.m. to 4:00 p.m.)

FOR FURTHER INFORMATION CONTACT: Mr. William Smith, Office of Vehicle Safety Standards, National Highway Traffic Administration, Washington, D.C. 20590 (202–426–2264).

SUPPLEMENTARY INFORMATION: Safety Standard No. 209, *Seat Belt Assemblies* (49 CFR 571.209), specifies performance requirements for seat belts to be used in motor vehicles. One of these performance requirements specifies the maximum amount of webbing of a belt assembly is permitted to extend or elongate when subjected to certain specified forces (paragraph S4.2(c)). Mercedes-Benz of North America has

petitioned the NHTSA to exempt from the elongation requirements seat belt assemblies installed in passenger cars in conjunction with air cushion restraint systems.

Mercedes is considering the use of a belt system that incorporates a load-limiting device. A load-limiter is a seat belt assembly component or feature that controls tension on the seat belt and modulates or limits the force loads that are imparted to a restrained vehicle occupant during a crash. These load-limiting systems are intended to reduce head and upper torso injuries through increased energy management. A load-limiter can be a separate component of the seat belt system, such as a torsion bar that allows the retractor to reel out additional webbing when a certain designed force level is reached. The load-limiter can also be a feature of the webbing itself, such as webbing that will elongate to certain designed lengths when subjected to particular force levels. Mercedes is interested in using the latter type load-limiting system. However, the webbing in the Mercedes belt system would elongate beyond the limits that are allowed in Standard No. 209. The petitioner states that this type belt system should be allowed in vehicles equipped with air cushion restraints since the two systems together can be designed to assist one another in achieving the maximum reduction in head injuries and upper torso injuries.

The agency believes that petitioner's arguments have merit and is, therefore, proposing to exempt safety belts installed in conjunction with automatic restraints from the elongation requirements of Safety Standard No. 209. Safety belts have proven to be effective restraint systems in preventing serious injuries and deaths caused by vehicle occupants striking the steering wheel, dashboard or windshield in a crash. Even at moderate crash speeds, vehicle occupants are hurled toward the forward vehicle interior with tremendous forces. While the safety belts protect occupants from life threatening impacts with the vehicle interior, the forces necessarily generated by the belts upon the occupant during the crash often result in torso injury. The petitioner states that load-limiting belts can reduce these injuries, as well as working in combination with an automatic restraint system to provide protection from impacts with the vehicle interior.

Data available to the agency indicate that load-limiting belt systems can indeed be effective in reducing head and upper-torso injuries. A 1976 NHTSA study analyzed data generated in over 100 crash tests using human surrogates (cadavers) and found that injury, defined as the number of thoracic fractures, is a direct function of the maximum upper-torso belt force that is imparted on a victim during a crash (DOT HS 802 501, October 1976). A 1978 French study analyzed accident data involving 92 occupants who had been wearing seat belt systems incorporating load-limiting features. These restraint systems were installed on some Peugeot and Renault models manufactured and sold in France between 1970 and 1977. That study concluded that rib injury is directly related to the maximum load imparted to the shoulder by the belt systems, and that load-limiting belts can reduce this injury, as well as preventing the often fatal injuries that would occur if no belt system were worn (DOT HS 024 504; DOT HS 027 520).

A 1971 NHTSA research project investigated the effectiveness of a load-limiting belt system used in conjunction with an air cushion restraint in four sled tests using anthropomorphic test dummies. These tests resulted in injury levels that met the tolerances prescribed in Safety Standard No. 208 (DOT HS–800 542, June 1971). Other sled tests conducted by the NHTSA have also shown that load-limiting belt systems perform well in minimizing injury (DOT HS–801–201 and HS–801–661).

The agency has tentatively determined that load-limiting belt systems that do not comply with the Standard No. 209 elongation requirements should only be permitted if installed in combination with an automatic restraint system. There are currently no dynamic performance requirements or injury criteria for manual belt systems used alone to ensure that a load-limiting belt system would protect vehicle occupants from impacting the steering wheel, instrument panel and windshield. Therefore, the elongation requirements of Standard No. 209 are one of the requirements necessary to ensure that manual belts used alone will adequately restrain vehicle occupants.

Although the petitioner only requested that Type 2 belt assemblies (combination lap and shoulder belt system) be exempted from the elongation requirements, the agency believes that manufacturers should also be given design latitude to use load-limiting features on Type 1 belts (lap belts). Therefore, this proposal includes exemptions for both Type 1 and Type 2 belts. Specific comment on whether Type 1 belts should also be excepted from the elongation requirements is solicited, however.

The petitioner also only requested that load-limiting belts be permitted when installed in conjunction with air cushion restraints. However, the agency has tentatively concluded that they should likewise be permitted when installed in combination with automatic belts or with any other automatic system meeting the injury criteria specified in Safety Standard No. 208. Other manufacturers have indicated an interest in using manual lap belts, in conjunction with automatic belts, that elongate more than is currently specified in the standard for a Type 1 lap belt. The agency recently issued an interpretation in response to a request from Toyota stating that manual lap belts installed in combination with single diagonal automatic belts can qualify as the lap belt portion of a Type 2 belt system (combination lap and shoulder belt). Type 1 lap belts are currently only permitted to elongate 20 percent under the performance requirements of Standard No. 209, whereas the lap belt portion of a Type 2 belt system is permitted to elongate up to 30 percent. Toyota desires to use a manual lap belt that elongates 30 percent, a load-limiting system, with its planned automatic belt. This proposed amendment would codify that interpretation, but would not place a limit on elongations for load-limiting belts.

The agency agrees with the petitioner that load-limiting belts should be labeled to clarify that they are for use only in vehicles equipped with automatic restraint systems. This proposal includes a requirement for such a label. Comments are requested on whether the label should include warnings similar to those recently adopted in FMVSS 213, *Child Seating Systems*. For example, should the warning label include an explanation as to why load-limiting belts might not provide sufficient protection if used alone, i.e., without an air cushion or automatic belt?

In addition to the modifications already discussed, the proposed amendment would also add a definition for "load limiters". This definition would permit the use of any type of load-limiting belt system, not just a webbing elongation system, that is installed in combination with an automatic restraint.

The agency has determined that the proposed amendment is not a significant regulation under Executive Order 12044, "Improving Government Regulations," and that a regulatory analysis is, therefore, not necessary. The proposed

exemption would merely provide manufacturers with broader design alternatives and should have little if any economic or environmental impact. Consequently, the agency has also determined that a regulatory evaluation is not required.

The engineer and lawyer primarily responsible for the development of this rule are William Smith and Hugh Oates, respectively.

§ 571.209 [Amended]

In consideration of the foregoing, it is proposed that Safety Standard No. 209 (49 CFR 571.209) be amended as set forth below.

1. A new definition would be added to section S3 to read:

"Load-limiter" means a seat belt assembly component or feature that controls tension on the seat belt to modulate the forces that are imparted to occupants restrained by the belt assembly during a crash.

2. Paragraph S4.2(c) would be amended to add the following phrase to the beginning of the first sentence:

"Except as provided in S4.5,"

3. Paragraph S4.4(a) would be amended to add the following phrase to the beginning of the first sentence after the heading "Type 1 seat belt assembly":

"Except as provided in S4.5,"

4. Paragraph S4.4(b) would be amended to add the following phrase to the beginning of the first sentence after the heading, "Type 2 seat belt assembly":

"Except as provided in S4.5,"

5. A new section S4.5 would be added to read:

"S4.5 *Load-limiters.*

(a) A Type 1 or Type 2 seat belt assembly that includes a load-limiter may be installed in motor vehicles only in conjunction with an automatic restraint system as part of a total occupant restraint system.

(b) A Type 1 or Type 2 seat belt assembly that includes a load-limiter is not required to comply with § 4.2(c), § 4.4(a)(2), § 4.4(b)(4) or § 4.4(b)(5).

(c) In addition to the marking requirements specified in § 4.1(k), a Type 1 or Type 2 seat belt assembly that includes a load-limiter shall be permanently and legibly marked or labeled with the following words:

"This seat belt assembly may only be installed in vehicles in combination with an automatic restraint system such as an air cushion or an automatic belt."

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. Any claim of confidentiality must be supported by a statement demonstrating that the information falls within 5 U.S.C. section 552(b)(4), and that disclosure of the information is likely to result in substantial competitive damage; specifying the period during which the information must be withheld to avoid that damage; and showing that earlier disclosure would result in that damage. In addition, the commenter or, in the case of a corporation, a responsible corporate official authorized to speak for the corporation must certify in writing that each item for which confidential treatment is requested is in fact confidential within the meaning of section 552(b)(4) and that a diligent search has been conducted by the commenter or its employees to assure that none of the specified items has previously been disclosed or otherwise become available to the public.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose, in the envelope with their comments, a self addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392); delegtions of authority at 49 CFR 1.50 and 501.8)

Issued on July 25, 1980.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 80-23251 Filed 8-1-80; 8:45 am]

BILLING CODE 4910-59-M

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49 CFR Part 571

Federal Motor Vehicle Safety Standards; Power-Operated Windows

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Grant of petition for rulemaking.

SUMMARY: The agency grants a petition for rulemaking from General Motors Corporation (GM) to amend Standard No. 118, *Power-operated Window Systems.* The GM petition asks that the standard be amended to permit the operation of power windows after the ignition has been turned off but only until a door has been opened. Currently, the standard requires that windows not operate when the ignition key is in the "off" or "lock" position. GM claims that permitting the operation of power windows when the key is in the "off" or "lock" position until the door is open will not affect the safety of vehicles, because the opening of any door will render the windows inoperative thereby protecting unattended children that might be left in the vehicle. GM wants this amendment to increase power window convenience. The agency grants the GM petition and will commence rulemaking to explore the safety consequences of the amendment it suggests.

FOR FURTHER INFORMATION CONTACT: Mr. John Carson, Crash Avoidance Division, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202-426-2715).

(Secs. 103 and 119, Pub. L. 563, 80 Stat. 718 (15 U.S.C. 1392 and 1407); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on July 28, 1980.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 80-23253 Filed 8-1-80; 8:45 am]

BILLING CODE 4910-59-M

Notices

Federal Register
Vol. 45, No. 151
Monday, August 4, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

National Forest System Advisory Committee; Meeting

The National Forest System Advisory Committee will meet in southern California August 21–23, 1980.

This Committee, comprised of 12 members from a broad spectrum of geographic and interest areas, advises the Secretary of Agriculture and the Forest Service on the planning and management of the National Forests. This meeting will concentrate on issues and concerns in the geographical area of the National Forests in Southern California.

On August 21, the Committee will leave the Holiday Inn Ontario (Ontario, California) at 7:45 a.m. on a field trip to view examples of natural resource management activities on the San Bernardino National Forest. On August 22 and the Morning of August 23, the Committee will meet at the Residential Conference Center of the University of California at Lake Arrowhead, California, to discuss and develop positions on interjurisdictional cooperation and land management planning and hear an update on RARE II. Kay Ceniceros, cochairperson of the Committee, will chair the meeting.

The meeting will be open to the public. Persons who wish to attend should notify Floyd J. Marita, Executive Secretary, USDA-Forest Service, P.O. Box 2417, Room 3021–S, Washington, D.C. 20013, telephone (202)447–6341. Written statements may be filed with the Committee before or after the meeting.

W. D. Williams,
Associate Deputy Chief.
July 30, 1980.
[FR Doc. 80–23368 Filed 8–1–80; 8:45 am]
BILLING CODE 3410–11–M

CIVIL AERONAUTICS BOARD

Chicago-Rochester, Minnesota; Subpart Q Restriction Removal Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause (Order 80–7–171).

SUMMARY: The Board is instituting the *Ozark Air Lines Chicago-Rochester, Minnesota Subpart Q Proceeding*, and is proposing to remove a restriction in Ozark Air Lines' certificate which requires at least one intermediate stop on flights between Chicago and Rochester, Minnesota. The case is being processed under the expedited procedures of Subpart Q of the Board's Procedural Regulations. The tentative findings and conclusions will become final if no objections are filed. The complete text of this order is available as noted below.

DATE: All interested persons having objections to the Board issuing the proposed authority shall file, and serve upon all persons listed below, no later than August 29, 1980, a statement of objections together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections.

ADDRESSES: Objections to the issuance of a final order should be filed in Docket 38353, which we have entitled the *Ozark Air Lines Chicago-Rochester, Minnesota Subpart Q Proceeding*. They should be addressed to the Docket Section, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

In addition, copies of such filings should be served on Ozark Air Lines, Republic Airlines, Northwest Airlines, the Mayors of Chicago and Rochester, Minnesota, the Airport Managers of O'Hare, Chicago-Midway and Rochester, the Illinois Division of Aeronautics and the Minnesota Department of Transportation, Aeronautics Division.

FOR FURTHER INFORMATION CONTACT: James Ransom, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673–5197.

SUPPLEMENTARY INFORMATION: The complete text of Order 80–7–171 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 80–7–171 to that address.

By the Bureau of Domestic Aviation: July 28, 1980.

Phyllis T. Kaylor,
Secretary.
[FR Doc. 80–23233 Filed 8–1–80; 8:45 am]
BILLING CODE 6320–01–M

CIVIL RIGHTS COMMISSION

Nevada Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Nevada Advisory Committee (SAC) of the Commission will convene at 7 p.m. and will end at 9 p.m. on August 29, 1980, at the Holiday Inn, Reno South, 5851 South Virginia, Reno, Nevada, 89502.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Western Regional Office of the Commission, 3660 Wilshire Building, Suite 810, Los Angeles, California, 90010.

The purpose of this meeting is to discuss program planning for fiscal year 1981.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 30, 1980.

Thomas L. Neumann,
Advisory Committee Management Officer.
[FR Doc. 80–23344 Filed 8–1–80; 8:45 am]
BILLING CODE 6335–01–M

Indiana Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Indiana Advisory Committee (SAC) of the Commission will convene at 7:00 p.m. and will end at 10:00 p.m. on August 25, 1980, at the Sheraton Inn, 555 South 3rd Street, Terra Haute, Indiana 47807.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is review of the status of the proposed Housing Study; report on the status of the Muncie inquiry; the Employment-Sub-Committee will review the proposed outline for report and make recommendations; new business.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., July 30, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-23343 Filed 8-1-80; 8:45 am]

BILLING CODE 6335-01-M

Vermont Advisory Committee; Amendment

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a planning meeting of the Vermont Advisory Committee (SAC) of the Commission originally scheduled for August 4, 1980, at Waterbury, Vermont, (FR Doc. 80-20897 on page 47179) has been cancelled.

Dated at Washington, D.C., July 30, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-23342 Filed 8-1-80; 8:45 am]

BILLING CODE 6335-01-M

West Virginia Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the West Virginia Advisory Committee (SAC) of the Commission will convene at 1:30 p.m. and will end at 4:30 p.m. and reconvene at 6:30 p.m. and end at 9:30 p.m. on September 4, 1980, at the Federal Building, Bankruptcy Hearing Room (Rm. 300), 12th and Chapline Street, Wheeling, West Virginia, 26003.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street NW., Room 510, Washington, D.C. 20037.

The purpose of this meeting is to review various civil rights issues related to on-going business around the State as well as to Wheeling's HUD Community Development funds and recreation dept; Ohio County's youth service and criminal justice systems; and the County's public schools.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 30, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-23341 Filed 8-1-80; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 11-78]

Proposed Foreign-Trade Zone—Boonville, Mo.; Withdrawal of Application Approved

Notice is hereby given that the Greater Kansas City Foreign-Trade Zone, Inc., a not-for-profit Missouri corporation and grantee of Foreign-Trade Zones No. 15 and No. 17 in the Greater Kansas City area, has withdrawn without prejudice its application for authority to establish a foreign-trade zone at Boonville, Missouri, filed September 19, 1978 (Docket No. 11-78). The U.S. Customs Service had raised a question concerning the proximity of the proposed site to the closest Customs port of entry.

The withdrawal has been approved by the Board's executive secretary and the proposal is considered closed.

Dated: July 9, 1980.

John J. Da Ponte, Jr.,

Executive Secretary, Foreign-Trade Zones Board.

[FR Doc. 80-23318 Filed 8-1-80; 8:45 am]

BILLING CODE 3510-25-M

Maritime Administration

Approval of Applicant as Trustee

Notice is hereby given that First National Bank of Commerce of New Orleans, Louisiana, with offices at 210 Baronne Street, New Orleans, Louisiana, has been approved as Trustee pursuant to Pub. L. 89-346 and 46 CFR 221.21-221.30.

Dated: July 30, 1980.

By Order of the Assistant Secretary of Commerce for Maritime Affairs.

Georgia P. Stamas,

Assistant Secretary.

[FR Doc. 80-23366 Filed 8-1-80; 8:45 am]

BILLING CODE 3510-15-M

National Oceanic and Atmospheric Administration

Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: Tel-Aviv Dolphinarium (P255).

b. Address: 16th Floor, Gibor House, Manshie, Tel-Aviv, Israel.

2. Type of Permit: Public Display.

3. Name and Number of Animals: California sea lion (Zalophus californianus), 6; Harbor seal (Phoca vitulina); 4.

4. Type of Take: To capture and maintain permanently in a facility.

5. Location of Activity: Beached and stranded animals currently maintained at the "Marine Animal Care Center" at Hanna-Barbera's Marineland, Rancho Palos Verdes, California.

6. Period of Activity: 2 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the **Federal Register** the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before September 3, 1980. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

As a request for a permit to take living marine mammals to be maintained in areas outside the jurisdiction of the United States, this application has been submitted in accordance with national Marine Fisheries Service policy concerning such applications (40 FR 11619, March 12, 1975). In this regard, no application will be considered unless:

(a) It is submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, through the

appropriate agency of the foreign government;

(b) It includes:

i. a certification from such appropriate government agency verifying the information set forth in the application;

ii. a certification from such government agency that the laws and regulations of the government involved permit enforcement of the terms of the conditions of the permit, and that the government will enforce such terms;

iii. a statement that the government concerned will afford comity to a National Marine Fisheries Service decision to amend, suspend or revoke a permit.

In accordance with the above cited policy, the certification and statements of the Ministry of Agriculture Veterinary Service Animal Health of Israel have been found appropriate and sufficient to allow consideration of this permit application.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: July 30, 1980.

R. B. Brumsted,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 80-23365 Filed 8-1-80; 8:45 am]

BILLING CODE 3510-22-M

CONSUMER PRODUCT SAFETY COMMISSION

[Petition CP 80-4]

Petition Concerning Sewage Sludge; Denial of Petition

AGENCY: Consumer Product Safety Commission.

ACTION: Denial of petition.

SUMMARY: The Commission denies a petition requesting a rule declaring sewage sludge products for consumer use in lawns, gardens and other areas as a soil conditioner and fertilizer to be banned hazardous products. The Commission is taking this action because it does not appear that a mandatory Commission regulation is necessary at this time to address any risk of injury presented by sludge products. The Environmental Protection Agency (EPA) has issued regulations on the generation and disposal of sludge products and recently has prepared a draft proposed regulation setting quality standards for sludge products which are available for the home uses of concern to the petitioner. Since EPA is working on regulations directed toward the action requested, there is no need for separate Commission action in this area.

ADDRESS: Copies of the petition and the staff's briefing materials on the petition may be obtained from the Office of the Secretary, Consumer Product Safety Commission, 1111 18th St., N.W., Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT: Rory S. Fausett, Health Sciences, Consumer Product Safety Commission, Washington, D.C. 20207, (301) 492-6984.

SUPPLEMENTARY INFORMATION:

1. Background

Section 10 of the Consumer Product Safety Act (CPSA) provides that any interested person may petition the Consumer Product Safety Commission to commence a proceeding for the issuance of a consumer product safety rule. Section 10 also provides that if the Commission denies such a petition, it shall publish its reasons for denial in the **Federal Register.**

On January 30, 1980, Citizens for a Better Environment (CBE) petitioned (CP 80-4) the Commission to issue a rule declaring sewage sludge products for consumer use in lawns, gardens, and other areas as a soil conditioner and fertilizer to be banned hazardous products. The petitioners contend that sewage sludge products contain high levels of toxic substances, particularly cadmium and lead, leading to high concentrations of cadmium and lead in soil. They assert that increased levels of cadmium in soil results in extremely high levels of cadmium in foodcrops, intake of which poses health risks to consumers. The second risk of injury discussed in the petition is the risk to young children who ingest soils and may, thereby, be exposed to dangerous levels of lead from sludge—contaminated soils.

2. Commission Evaluation of the Petition

Based on information supplied by the petitioner, information from the Environmental Protection Agency (EPA), and information gathered by the Commission staff, the Commission has decided to deny the petition. The information reviewed and the reasons for the Commission's decision are briefly discussed below.

Sewage sludge is a generic term that refers to solid or liquid material which contains matter removed from waste water in sewage treatment plants. Information from EPA indicates that a large but unquantified portion of sludge distributed or marketed in the U.S. is used by consumers. Sludge is included in some commercial fertilizer or soil conditioning products and is sometimes available to the consumer directly from sewage treatment works.

The Commission staff believes that the petitioner is correct in stating that sludge can contain high levels of certain toxic heavy metal and organic contaminants, particularly cadmium, lead, and polychlorinated biphenyls (PCBs). Cadmium, a very common sludge contaminant, is known to cause kidney damage in chronically exposed individuals. Crops and vegetables pick up cadmium from the soil they are grown in. The staff believes that lead, a second widespread contaminant of sludge, may pose a risk to young children who ingest soil to which sludge has been applied. The staff also points out that PCBs have been found in high levels in certain sludges; these compounds are highly toxic and have been found to be carcinogenic in long term animal bioassays. The staff notes, in addition, that the presence of pathogens in sludge (viruses, bacteria, or parasites) which can infect humans and animals is also of concern.

The Commission believes that the available data suggest that the unrestricted home use of certain sewage sludge products may present a health hazard. However, the Commission also notes that the available data do not demonstrate that all sewage sludge products pose a hazard, even if they are used in an unrestricted manner.

Despite some evidence of health hazard, the Commission has decided to deny this petition because it has learned that EPA may take the action requested by the petitioner. EPA has been concerned with the generation and disposal of sludge products for some time and has issued regulations on the subject. Recently, EPA staff has prepared a draft proposed regulation to establish quality standards for sludge products, including such products which are available for consumer use. The draft proposal addresses fertilizer products and soil conditioners separately and will include permissible levels for cadmium, lead, and PCBs, as well as a requirement that the products be treated to reduce the levels of pathogens that may be present. EPA is now in the process of conducting a series of public meetings on the draft. The Commission staff intends to cooperate with and assist EPA as the agency develops its regulatory strategy.

Because of the EPA efforts directed at the very subject of this petition and

because the Commission staff intends to assist EPA in the regulatory development, the Commission concludes that the mandatory Commission banning regulation requested by the petitioner is not necessary at this time to address any risk of injury presented by sludge products. Accordingly, the Commission has denied the petition. The Commission points out, however, that at some future point, should Commission regulation of sludge products appear to be needed, the Commission may take appropriate regulatory action, notwithstanding the denial of this petition.

Dated: July 29, 1980.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 80-23361 Filed 8-1-80; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Chief of Engineers, Environmental Advisory Board; Open Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that the next meeting of the Environmental Advisory Board (EAB) of the Chief of Engineers will be held August 26-28, 1980, at the Waterways Experiment Station (WES), 3909 Halls Ferry Road, Vicksburg, Mississippi. Time and subjects of each session follow:

26 August—Tuesday—A.M. Session

0800—Meeting convened.
0800-1230—OCE response to previous EAB reports: Corps environmental training and cultural resources.
1230-1330—Lunch.

P.M. Session

1330-1540—Presentations and discussion on CE and CW Research and Development needs and efforts.
1540-1700—Tour of selected WES facilities.
1700—Meeting adjourned for the day.

27 August—Wednesday—A.M. Session

0800—Meeting convened.
0800-1230—Environmental Research and Development at Corps laboratories. (CERC, CERL, CRREL, IWR, WES).
1230-1330—Lunch.

P.M. Session

1330-1500—Panel discussion on Research and Development procedural matters.
1515-1645—Small group discussions on Research and Development substantive matters.
1645-1700—Public comments.
1700—Meeting adjourned for the day.

28 August—Thursday—A.M. Session

0800-1230—EAB meets to prepare report, meeting participants discuss Research and Development, other topics.
1230-1400—Lunch.

P.M. Session

1400-1500—EAB reports to OCE, COE responds.
1500-1515—Public comments.
1515—Meeting adjourned.

Meeting room has limited seating capacity. Written statements, to be made part of the minutes, may be submitted prior to or up to 10 days following the meeting. Persons planning to attend or desiring further information should contact LTC George F. Boone, Assistant Director of Civil Works, Environmental Programs, Office of the Chief of Engineers. Telephone: 202-272-0103.

By Authority of the Adjutant General:

Dated: July 29, 1980.

Guy B. Oldaker,

Acting Director, Administrative Management, TAGO.

[FR Doc. 80-23292 Filed 8-1-80; 8:45 am]

BILLING CODE 3710-92-M

Shoreline Erosion Advisory Panel; Notice of Extension

Charter Renewal of the Shoreline Erosion Advisory Panel. The charter of US Army Chief of Engineer's Shoreline Erosion Advisory Panel, a Federal Advisory Committee authorized in accordance with the Federal Advisory Committee Act, PL 92-463, is extended from 4 August 1980 until 31 December 1980. This extension of the charter authorizes the Shoreline Erosion Advisory Panel to continue its work through the period prescribed by the legislation authorizing the panel, Pub. L. 93-251.

By authority of the Adjutant General:

Dated: July 29, 1980.

Guy B. Oldaker,

Acting Director, Administrative Management Directorate, TAGO.

[FR Doc. 80-23290 Filed 8-1-80; 8:45 am]

BILLING CODE 3710-92-M

National Waterways Study—The Nation's Waterways—Their Capability; Open Meeting

The U.S. Army Corps of Engineers Institute for Water Resources will conduct a public meeting on the National Waterways Study (NWS). The meeting's purpose is to gain public response to the present study phase which is designed to evaluate the needs for waterborne traffic service for all regions of the United States. The needs are determined under six different sets of future conditions called scenarios. The system capability to meet needs will be evaluated by the use of twenty measures. Some measure included are as follows:

a. Traffic accommodated versus projected usage.

b. Energy traffic accommodated versus projected usage.

c. Line haul operating costs.

d. Public expenditures for dredging, operations, and maintenance.

e. Average age of structures.

The measures are established to assist the U.S. Army Corps of Engineers in determining where actions are needed, what actions could be taken, and on what schedule. This evaluation is input into the Strategy Study Phase which follows.

The meeting will be held on 4 September 1980 from 9:00 am until 5:00 pm at the Crystal City Holiday Inn. The hotel is located at 1489 Jefferson Davis Highway in Arlington, Virginia.

The public meeting is designed to be responsive to the broad interests involved in water transportation planning. To help the Corps achieve this responsiveness, you are asked to reply by 22 August 1980 regarding your attendance and your areas of interest. Knowledge of attendees is important to assist us in designing special sessions, scheduling staff and contractor specialists, and preparing the facilities. Those registered before 22 August 1980 will receive, in advance, a summary document of the Evaluation.

The summary publication as currently planned will include the following sections:

a. Analytic framework of study.

b. Description of scenarios.

c. Constraint analysis.

d. Evaluation of the present waterways system.

e. Conclusions.

f. Appendix—Waterborne commodity projections.

g. Appendix—Discussion of waterway transportation capability.

h. Appendix—Evaluation of the present system.

Those interested in attending this meeting are requested to preregister by contacting: Public Meeting Registration, National Waterways Study, Institute for Water Resources, Kingman Building, Fort Belvoir, Virginia 22060.

By Authority of the Adjutant General:

Dated: July 29, 1980.

Guy B. Oldaker,

Acting Director, Administrative Management Directorate, TAGO.

[FR Doc. 80-23289 Filed 8-1-80; 8:45 am]

BILLING CODE 3710-92-M

National Hydroelectric Power Study Covering the Southwest Power Pool Area; Public Meeting

Meeting to be held at 10 AM, August 27, 1980, in the Camelot Inn, Markham and Broadway Streets, Little Rock, Arkansas.

The Southwestern Division Corps of Engineers will conduct a public meeting as indicated above to present the results of the National Hydropower Study. One hundred and sixteen sites within the geographic boundary of the Southwest Power Pool have been retained in our study as having hydropower potential. These sites are listed in three categories: (1) undeveloped sites, (2) existing projects without hydropower facilities, and (3) existing projects with hydropower facilities that do not develop the maximum capacity. The number of sites/projects in each category is as follows:

(1) Undeveloped Sites, 55.

(2) Existing Projects without Power, 50.

(3) Existing Power Projects with Additional Capacity, 11.

Persons interested in receiving a complete list of the sites prior to the public meeting should send requests to the address on this letterhead. Requests may be made by reliability council area or by states within the area.

During the public meeting, the sites having hydropower potential will be presented. Everyone will have an opportunity to express their views and furnish specific data pertinent to any of the potential hydropower sites. All statements, both oral and written, will become part of the official record of the meeting and will be made available for public examination. To insure accuracy of the record, however, we would prefer that copies of prepared statements be handed to the presiding officer at the meeting or mailed beforehand to the Corps of Engineers' Southwestern Division, Main Tower Bldg., 1200 Main Street, Dallas, Texas 75202.

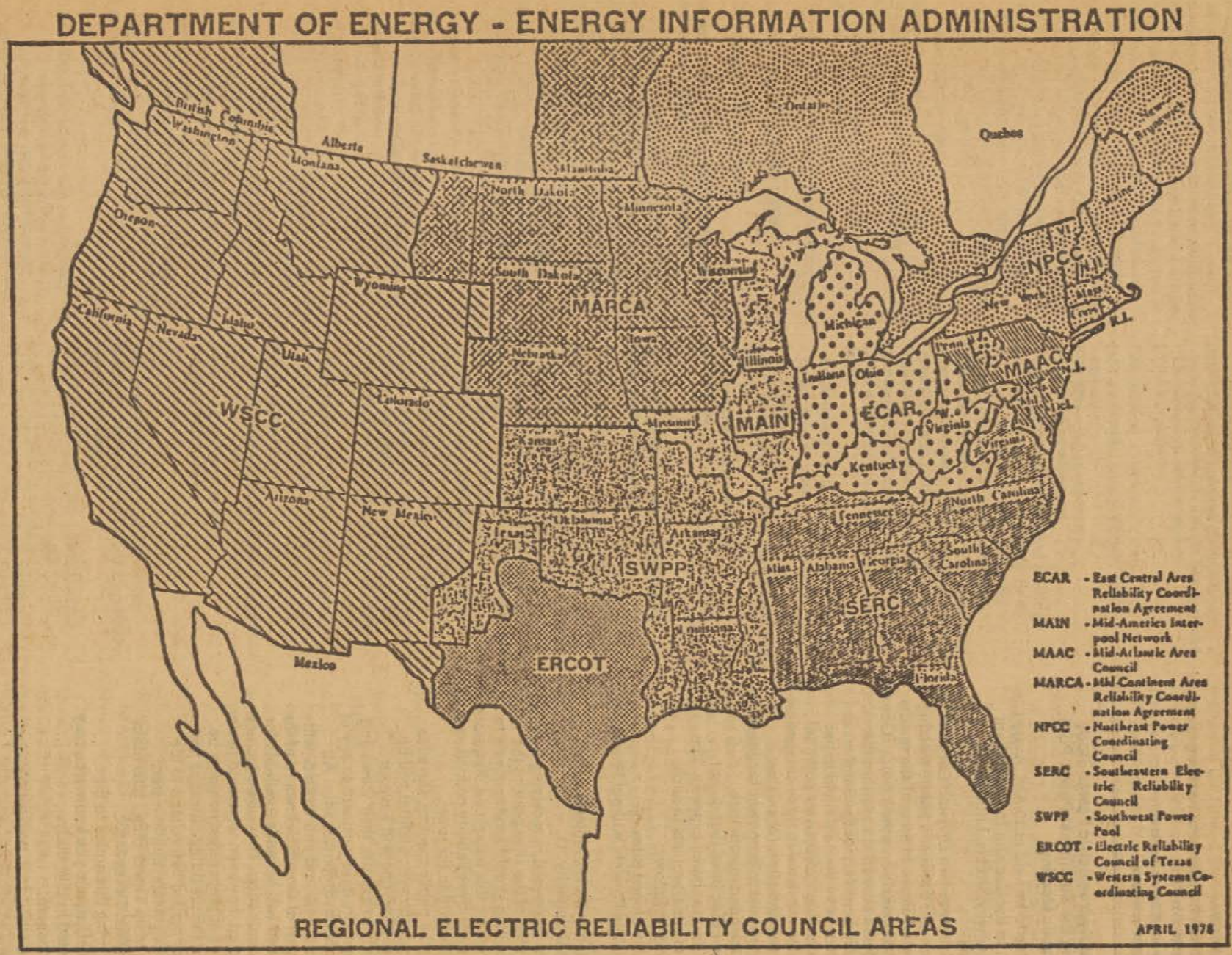
Please bring this notice to the attention of anyone you know who may be interested in this study.

James C. Donovan,

Brigadier General, USA, Division Engineer.

[FR Doc. 80-23291 Filed 8-1-80; 8:45 am]

BILLING CODE 3710-92-M



BILLING CODE 3710-92-C

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1558-2 Program Requirements Memorandum—PRM No. 80-3]

Grants for Construction of Treatment Works; Management Reforms To Reduce Time Interval Between Step 3 Grant Award and Initiation of Construction (Property Acquisition, Local Share Funding, Service Agreements and Cultural Resource Investigations)

To assure national uniformity in program implementation and to provide policy direction in integrating the various complex requirements of the Federal water pollution control program, EPA headquarters periodically issues policy and operational guidance documents to the EPA Regional Offices and others involved in the grants program.

A Program Requirements Memorandum conveys basic program policy. The specific provisions of a Program Requirements Memorandum are not included in existing regulations or in other EPA policy documents.

This is notice that Program Requirements Memorandum, PRM 80-3, Management Reforms to Reduce the Time Interval Between Step 3 Grant Award and Initiation of Construction (Property Acquisition, Local Share Funding, Service Agreements and Cultural Resource Investigations), was issued to EPA's Regional Administrators on May 30, 1980. The contents of that Program Requirements Memorandum are included with this notice. As with any construction grant procedures, comments are accepted at any time. Any comments on this PRM should be sent to Harold P. Cahill, Jr., Director, Municipal Construction Division, WH-547, EPA, 401 M Street, S.W., Washington, D.C. 20460.

Dated: July 23, 1980.

Eckardt C. Beck,

Assistant Administrator for Water and Waste Management.

Introduction

We have identified a number of problem areas within the construction grants program which are causing delays in the preconstruction phase of Step 3 projects. This memorandum is being issued to implement management reforms that will minimize many of these delays.

This memorandum sets forth agency policy in the following four areas:

1. Acquisition of real property (including easements).
2. Local funding requirements.
3. Service agreements.
4. Cultural resource investigations.

The appropriate provisions and procedures contained in this Program Requirements Memorandum will be incorporated into any proposed revision to construction grant regulations.

Section A—Acquisition of Real Property (Including Easements)

Purpose

The purpose of this section of the memorandum is to clarify agency policy regarding the time frame within the grant process for the acquisition of real property, including the taking of easements.

Discussion

Current Environmental Protection Agency (EPA) regulation 40 CFR 35.920-3(b)(2) requires, as part of a Step 2 grant application, "Adequate information regarding availability of proposed site(s), if relevant." PRM 77-6 expands on this point and requires the grantee to perform preliminary easement related work concurrent with other Step 2 work. PRM 77-6 also requires the regional office to consider the need (on a case-by-case basis) for the grantees to undertake the actual taking of easements and/or acquisition of sites during the Step 2 process. EPA regulation 40 CFR 35.935-3(b)(3) requires the granted to obtain all property rights before the initiation of Step 3 construction. At the present time, there is no EPA policy that clearly describes the action that must be completed prior to Step 3 grant award. Consequently, initiation of construction is delayed on many Step 3 projects until the grantee has obtained the required property rights. This policy statement is intended to establish procedures that would minimize this delay.

Policy

It is EPA policy that all real property (including easements) be obtained, or bona fide options taken, or formal condemnation proceedings initiated, prior to Step 3 grant award, unless the action is prohibited by State or other Federal Agency requirements.

The term "bona fide option" refers to an irrevocable commitment on the part of the landowner to transfer to the grantee an interest in land at a specified price. Such options should provide for an expiration date, normally at least one year, and must be supported by adequate consideration and include any other applicable requirements necessary to make the option enforceable under State and local law.

Implementation

Effective October 1, 1980, no Step 3 grant is to be awarded until the grantee has submitted assurances that all required property rights as defined in 40 CFR 35.935-3(b) have been obtained, or bona fide options taken, or formal condemnation proceedings initiated, except for those situations noted below. This assurance can be in the form of a certification or other documentation established by the Regional Administrator.

The assurance requirement would exclude the acquisition of land to be used for sludge disposal or land treatment, as the costs of such acquisitions are eligible for Federal participation under a Step 3 grant, but would become unallowable if incurred prior to Step 3 grant award (see PRM's 75-25, 75-39, 77-5, 78-4 and 40 CFR 35.940-3). However, amendments to construction grant regulations published July 5, 1979, authorize the Regional Administrator to use his discretion in permitting grantees to proceed with the acquisition of eligible land after approval of the facilities plan in advance of the normal Step 3 award either by (1) award of a Step 3 segment consisting only of purchase of eligible land, 40 CFR 35.920-3(c)(2) or (2) approval of the grantee's preaward cost for the purchase of eligible land, 40 CFR 35.925-18(b). In the case of a Step 3 grant awarded solely for the acquisition of eligible land, compliance with the requirements for approved user charge/industrial cost recovery system, operations and maintenance manuals and sewer use ordinances are deferred until the award of the ensuing Step 3 assistance for the construction of the facilities, 40 CFR 35.930-1(a)(1). All grantees are encouraged to make maximum use of the advance acquisition provisions. In addition, the regional offices or delegated State agencies, should recommend the use of the advance acquisitions provisions in situations where the implementation of the procedures would accelerate the initiation of construction. However, the review/approval provisions contained in PRM 79-7 must be completed prior to the purchase of grant eligible land for projects where treatment more stringent than secondary is anticipated.

In addition, the assurance requirement would exclude the acquiring or taking of property rights, or bona fide options, or initiating formal condemnation proceedings, if the action is prohibited by State or other Federal Agency requirements. However, the grantee must complete all site acquisition work required for the Step 3 grant that is not prohibited by State or other Federal Agency requirements.

In the situation where the acquisition of property rights, or bona fide options, or initiation of formal condemnation proceedings, prior to Step 3 grant award, is prohibited by EPA, State, or other Federal Agency requirements, the grantee should submit the following information for each property site excluded from the assurance requirement.

1. The appropriate designation (parcel number, reference code, etc) for the property site.

2. The State or Federal requirement that prohibits the acquisiton of property rights, or bona fide options, or initiation of formal condemnation proceedings, prior to Step 3 grant award.

3. Future actions required to obtain the property or property rights, and a schedule for these actions.

4. Assurance that all site acquisition work not prohibited by State or Federal requirements has been completed.

Allowable project costs incurred in the implementation of the procedures contained in this policy statement, e.g., costs incurred under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, should be included in the Step 2 grant. If necessary, the Step 2 grant should be amended to include these costs.

References

40 CFR 35.920–3(b)(2).
40 CFR 35.920–3(c)(2).
40 CFR 35.925–18(b).
40 CFR 35.930–1(a)(1).
40 CFR 35.935–3.
40 CFR 35.945(g).
40 CFR Part 4.
PRM 79–7, "Grant Funding of Projects Requiring Treatment More Stringent than Secondary," March 9, 1979.

This policy statement supercedes PRM 77–6 issued May 4, 1977. PRM 77–6 is hereby cancelled.

Section B—Local Funding Requirements
Purpose

The purpose of this section of the memorandum is to establish Agency policy to assure that the applicant has reasonable access to funds required to finance the non-EPA share of the Step 3 project costs.

Discussion

EPA requirements concerning the grantee's ability to finance the non-EPA share of the construction costs is contained in 40 CFR 35.925–5, 35.935–1(c) and the assurance statement requirements of the "U.S. Environmental Protection Agency Application for Federal Assistant (Construction Grant)." In Part V of the application, the grantee assures and certifies that it will have sufficient funds available to meet the non-EPA share of the cost for construction projects. In Part III, Section D, of the grant application, the applicant describes the proposed method for financing the non-EPA share of the project. At the present time there is no EPA requirement for the grantee to initiate financial arrangements prior to Step 3 grant award. Consequently, many Step 3 projects are delayed while the grantee is obtaining the necessary funds. This policy statement is intended to establish procedures to minimize this inherent delay.

Policy

It is EPA policy that the grantee conduct preliminary financial planning including structuring of the financing during the Step 1 phase of the project. As much of the financial arrangments as possible shall be performed during the Step 2 phase of the project. At the time of Step 3 grant award, the financial arrangements shall have progressed to the stage that the grantee can obtain the funds required to finance the non-EPA share of construction cost within 90 days.

The Regional Administrator can authorize additional time to complete the necessary financial arrangements in situations where the State or other Federal agencies impose requirements such that the non-EPA share cannot be obtained within 90 days of Step 3 grant award. The authorization and the amount of additional time authorized should be included in the grant agreement.

Implementation

Effective October 1, 1980, no Step 3 grant is to be awarded until the applicant has given assurances that he can obtain the funds necessary to finance the non-EPA share of the project within 90 days of grant award. This assurance can be in the form of a certification or other documentation established by the Regional Administrator. However, the grantee should exclude from the certification requirement sources of funds that cannot be obtained within 90 days of Step 3 grant award because of conflicting State or other Federal Agency requirements.

Effective October 1, 1980, every application for a Step 3 grant must include the following information for each separate source of funds required to finance the non-EPA share of Step 3 cost:

1. The source of the funds.
2. The amount of the funds.
3. The financial arrangements completed to date.
4. Future actions required to obtain the funds, and a schedule for these actions.

For every source of funds excluded from the assurance requirement the grantee should list:

1. Items 1–4 above.
2. The applicable State or Federal requirement that prohibits obtaining these funds within 90 days of Step 3 grant award.

References

EPA Form 5700–32 (Rev. 8–77).
40 CFR 35.925–5.
40 CFR 35.935–1(c).

Section C—Service Agreements
Purpose

The purpose of this section of the memorandum is to clarify EPA regulations regarding the timing for the execution of service agreements between the grantee and subscribers of the grantee, including major Federal facilities.

Discussion

The Evironmental Protection Agency (EPA) regulations published September 27, 1978, include a requirement for the submission of all intermunicipal agreements with a Step 2 application. Specifically, 40 CFR 35.920–3(b)(6) states that "Before the award of a grant or grant amendment for a Step 2 project, the grantee must furnish . . . Proposed or executed (as determined appropriate by the Regional Administrator) intermunicipal agreements necessary for the construction and operation of the proposed treatment works, for any treatment works serving two or more municipalities." EPA regulation 40 CFR 35.920–3(c)(1) states that "final intermunicipal agreements must be furnished" with the Step 3 grant applications.

The term "executed" was used in the regulation governing Step 2 grant applications and the term "final" was used in the regulation governing Step 3 grant applications. The use of two slightly different terms to describe the same action could result in a minor misunderstanding of the regulations. In addition, the regulations do not specify the timing for the execution of service agreements between the grantee and major Federal facilities. The intention of this policy statement is to establish the time frame within the grant process when service agreements must be executed and to define EPA requirements to include service agreements between the grantee and major Federal facilities.

Policy

It is EPA policy that the terms "final" and "executed" as used in 40 CFR 35.920–3(b)(6) and 40 CFR 35.920–3(c)(1) described the same action and can be used interchangeably.

It is EPA policy that all agreements necessary for the construction and operation of a proposed treatment works serving a municipality and one or more major Federal facilities must be executed prior to Step 3 grant award.

Implementation

This policy is effective October 1, 1980.

References

40 CFR 35.920–3(b)(6).
40 CFR 35.920–3(c)(1).
40 CFR 35.925–16.
PRM 75–35, Issued December 29, 1975, with attachment issued February 20, 1976.
Memorandum on "Federal Facility Funding" dated December 18, 1978, from John T. Rhett to Regional Administrators (I–X).

Section D–Cultural Resource Investigations

Purpose

The purpose of this section of the memorandum is to clarify agency policy regarding the time frame within the grant process for the completion of investigations required to identify cultural resources affected by EPA construction grant projects.

Discussion

EPA regulations 40 CFR Part 6, Subpart C, 40 CFR 6.507 and the construction grants "Handbook of Procedures" state that cultural resource investigations must be integrated with the environmental review and performed during the facility planning process, however, there is currently no requirement that specifies the time frame within the grant process for the completion of these cultural resource investigations. Consequently, some investigations are not being performed in a timely fashion and portions of the work are still underway during the Step 3 phase of the project. This policy statement is intended to eliminate this delay.

Policy

All investigations required by 40 CFR Part 6, Subpart C and 40 CFR 6.507 should be initiated during the Step 1 phase of the project and be completed prior to Step 3 grant award. However, nothing in this policy statement precludes the funding of cultural resources investigations performed during the Step 3 process, if the need for an investigation or follow-up work is not identified until that time.

Implementation

This policy is effective October 1, 1980.

References

PRM 75–27 issued July 2, 1975.
40 CFR Part 6.

Exemptions

It is not the intent of this PRM to burden the grantee with unnecessary or restrictive requirements. The purpose of the PRM is to minimize the delay in the preconstruction phase of a Step 3 project. However, it is possible, especially during the initial implementation phase of this new policy, that a provision of the PRM could place an undue hardship on a grantee. If this is the case, an exemption to the requirement that is causing the problem will be considered.

All requests for exemptions should be submitted to: Harold P. Cahill, Jr., Director, Municipal Construction Division WH–547, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

The exemption should contain, as a minimum:

(1) The name of the grantee and the grant identification number.

(2) Identification of the section of the PRM from which an exemption is sought.

(3) An adequate description of the need for an exemption including any pertinent background information which will contribute to an understanding of the problem, including any extenuating circumstances.

(4) A recommendation from the regional office.

Additional References

A. 40 CFR 35.935–9, Project Completion.

B. Memorandum to Regional Administrators from John T. Rhett, "Construction Grants Projects Not Yet Under Construction," November 6, 1976.

C. Memorandum to Water Division Directors from John T. Rhett, "Preconstruction Status Report," May 25, 1977.

D. POM 77–12, "Management of Preconstruction Phase of Step 3 Grants," June 21, 1977.

E. PRM 78–12, "Preconstruction Lag Management," June 12, 1978.

F. Memorandum to Regional Administrators from John T. Rhett, "Step 3 Projects Not Under Construction," December 8, 1978.

[FR Doc. 80–23310 Filed 8–1–80; 8:45 am]
BILLING CODE 6560–01–M

[FRL 1558–4; PP8G2113/T256]

Fluridone; Extension of a Temporary Tolerance

[FRL 1558–4]

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: A temporary tolerance has been extended for the herbicide fluridone (1-methyl-3-phenyl-5-[3-(trifluoromethyl)phenyl]-4(1*H*)-pyridinone) in or on cottonseed at 0.05 part per million (ppm). This extension was requested by Elanco Products Company.

FOR FURTHER INFORMATION CONTACT: James M. Stone, Acting Product Manager (PM) 23, Registration Division (TS–767), Office of Pesticide Programs, Rm: E–351, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, 202/755–2196.

SUPPLEMENTARY INFORMATION: Notice was published on August 15, 1979 (44 FR 47806) that Elanco Products Co., PO Box 1750, Indianapolis, IN 46206 had submitted a pesticide petition (PP 8G2113) to the EPA. The petition requested that a temporary tolerance be established for residues of the herbicide fluridone (1-methyl-3-phenyl-5-[3-(trifluoromethyl) phenyl]-4(1*H*)-pyridinone) in or on cottonseed at 0.05 ppm. This tolerance expired July 16, 1980.

Elanco Products Co. has requested a one-year extension of the tolerance to permit the continued marketing of the above raw agricultural commodity when treated in accordance with an experimental use permit being issued under the Federal Insecticide, Fungicide, and Rodenticide Act (P.L. 80–104, 61 Stat. 163, as amended by P.L. 92–516, 86 Stat. 975; P.L. 94–140, 89 Stat. 754, P.L. 95–396, 92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it has been determined that the tolerance is adequate to protect the public health.

The temporary tolerance has been extended on the conditions that the temporary tolerance and the experimental use permit be used with the following provisions:

1. The total amount of the pesticide to be used will not exceed the amount authorized in the experimental use permit.

2. Elanco Products Co. will immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm will also keep records of production, distribution, and performance and on request, make records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires on July 16, 1981. Residues not in excess of the amount remaining in or on the raw agricultural commodity after the expiration date will not be considered actionable if the pesticide is legally applied during the term, and in accordance with the provisions of the experimental use permit and temporary tolerance. This tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health.

(Sec. 408(j), 68 Stat. 561, (21 U.S.C. 136a(j)))

Dated: July 28, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-23311 Filed 8-1-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1558-3]

Grants for Construction of Treatment Works; Procedures for Application of the Buy American Provision of the Clean Water Act

Introduction

EPA published final regulations governing the Construction Grants Program for municipal wastewater treatment works in the **Federal Register** of September 27, 1978 (Part III). Included were regulations for the implementation of section 215 (Requirements for American Materials) of the Clean Water Act of 1977. Also, EPA published Program Requirements Memorandum (PRM) 78-3, dated February 17, 1978, for carrying out the Buy American provision. Since that time, numerous requests have been received for additional policy guidance for implementing the statute and the regulations, especially in applying Comptroller General decisions that have been issued for similar Buy American provisions involved in direct procurement by the Federal Government. The attached Interim PRM was developed to provide the requested guidance.

This is a notice that Interim PRM No. 80-5 was issued to EPA's Regional Administrators. It is included as Attachment 1 to this notice, PRM 78-3 is hereby rescinded.

EPA is considering a requirement for statements of the contents of construction materials from manufacturers or suppliers, and statements of compliance with the Buy American provisions from prime contractors. Proposed statements are incorporated in Appendix A of the Interim PRM.

To allow for the maximum possible participation of the public and other interested parties in this policy guidance, the Interim PRM is issued as an interim policy. A 90-day period from publication of the Interim policy in the **Federal Register** has been set aside for the receipt of any comments and suggestions on the PRM and the proposed statements in Appendix A of the Interim PRM. Please address such comments to Ralph H. Sullivan, Program Counsellor, Office of Water Program Operations (WH 546), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

Eckardt C. Beck,

Assistant Administrator for Water and Waste Management.

Attachment No. 1

July 9, 1980.

Construction Grants Interim Program Requirements Memorandum PRM No. 80-5

Subject: Buy American.

From: Henry L. Longest, II, Deputy Assistant Administrator for Water Program Operations (WH 546).

To: Regional Administrator, Regions I-X.

I. Purpose

This PRM sets forth interim Agency policy and procedures concerning the application of the Buy American provision of the Clean Water Act of 1977 and the final regulations governing the Construction Grants Program for municipal wastewater treatment works published in the **Federal Register** of September 27, 1978 (Part III). PRM 78-3 concerning the same subject is superceded, as well as the temporary guidance document of January 9, 1979. This interim PRM was developed because numerous requests were received from the public for further clarification of the application of the Buy American provision. This interim PRM is also being published in the **Federal Register** with a 90-day period provided for comments and suggestions. Issues which have come to the attention of EPA are addressed. If there are others, EPA would appreciate being informed of them, with suggested resolution.

II. Discussion

Section 39 of the Clean Water Act of 1977 added a new section 215 to the Federal Water Pollution Control Act. This new section requires that only manufactured and unmanfactured materials and supplies that have been mined, produced or manufactured in the United States, and are substantially all From United States' sources, shall be used in treatment works for which grant assistance is provided by EPA. This in known as the Buy American provision and it applies to any Step 3 grant for which application is made after February 1, 1978.

In the legislative history of the provision, Congress directed that the Buy American regulations of other Federal departments and agencies be followed, where applicable. These other regulations are generally incorporated in the federal procurement regulations in the Code of Federal Regulations which are generally based on the Buy American Act of 1933 (42 U.S.C.A. 10a-d) and an Executive Order of 1933, with subsequent updates, which interpreted several aspects of the Act. (See Executive Order 10582, December 17, 1954, as amended by Executive Order No. 11051, September 27, 1962.)

EPA issued its own final provision for Buy American in the Construction Grants regulations by adding a new paragraph (d) to § 35.936-13 (Specifications) which requires that bidding documents and construction contracts for affected projects include a Buy American provision which requires use of domestic construction material, substantially all from United States' sources, in preference to foreign construction material. The regulations also establish those circumstances under which the Agency may waive the provision. Domestic construction material must be given preference if the domestic material is priced no more than 6 percent higher than the bid or offered price of foreign materials (including import duties). The application of the Buy American provision normally occurs after bids or price quotations have been received.

Appendix C-2 to Subpart E was also amended by adding a new Clause 17 which implements the Buy American provision in construction contracts.

III. Policy

In contracting for wastewater treatment works being assisted by the EPA municipal wastewater treatment Construction Grants Program, a price preference of up to 6 percent is required

to be given to construction materials that have total component costs of over 50 percent in value from domestic sources, when such materials are in price competition with construction materials that have component costs of 50 percent or more in value from nondomestic sources (subject to waiver from the Regional Administrator, where appropriate).

IV. Implementation

1. The Three-Procedure Buy American Process

In implementing the Clean Water Act Buy American provision, there are three major procedures that take place:

First Procedure: Determination of the "construction material" to which the Buy American provision applies.

Second Procedure: Application of the "manufactured in United States" and "50 percent rule" to the construction materials so as to classify as domestic or nondomestic material.

Third Procedure: Application by the prime construction contractor of the 6 percent price preference for domestic materials to the bids or price quotations where domestic and nondomestic construction materials are in competition.

These procedures are discussed below and are also set forth in an overall chart at the end of this Interim PRM. Because of the complexities in applying the Buy American Act of 1933 and subsequent Executive Orders, regulations, guidances and decisions, it is suggested that the following description of the Buy American procedures be read in conjunction with the simplifying chart.

First Procedure: Determination of the Construction Material to Which the Buy American Provisions Applies

EPA regulations and the Federal Procurement Regulations refer to "construction materials" as subject to the Buy American provision. The regulations define construction material as any article, material or supply brought to the construction site for incorporation into the treatment works. Construction materials are sometimes referred to as "end products." Installation and other services to be performed after delivery are normally excluded. The Buy American provision does not apply to material which a contractor utilizes for construction but which the project specifications do not require to be incorporated into the treatment works. Examples include protective covers for building materials or building forms used in construction, whether or not left in the ground.

In practice, construction materials are those items that are referred to as separate distinct items or unit processes in the specifications for the project. Normally, for example, there will be only a limited number of separate items of equipment that are listed in the specifications for both technical and bidding purposes, such as a filter press, incinerator, aerator equipment, large pump, etc. These are the types of equipment "end products" to which the Buy American provision is applied. The grantee will normally be best able to decide upon the appropriate classification of items. If there are problems, the grantee may seek assistance from the EPA Regional Office which may consult EPA Headquarters. The State Agency should be notified by the grantee that this assistance is being requested.

Construction materials are of two types—manufactured or unmanufactured—and are of either domestic or nondomestic origin. Construction materials may be made up of "components." A component is any article, material or supply which is directly incorporated into a construction material. The 6 percent price preference, as described in the Third Procedure, is applied to construction materials and not components.

Unmanufactured Construction Materials

An unmanufactured construction material is a raw material that is mined or grown. An unmanufactured construction material is a "domestic construction material" if it has been mined or produced in the United States. It should be relatively easy to identify raw materials and their national origins. A raw material could be, for example, gravel that in the case of municipalities on international boundaries could come from either the United States or an adjacent foreign country. If the domestic gravel is in price competition with nondomestic gravel, the domestic gravel will receive a 6 percent price preference as explained later. If the gravel is incorporated into concrete which is delivered to the site, then it is a component of a manufactured construction material.

Manufactured Construction Materials

Manufactured construction materials, as applied to sewage treatment facilities construction, refer to material such as pipe for sewers, reinforcing steel or structural steel for erecting buildings, and equipment that is necessary for the project. These items will usually be listed in the project specifications in separate sections. In the case of equipment, construction materials could include such items as incinerators, aerators, filter presses, large pumps, etc., as separate, distinct items or unit processes. Usually equipment that is identified as a construction material will be that which will usually be supplied by one supplier or manufacturer, is included within one section of the specifications, and is treated at the construction site as a separate item of equipment.

Accordingly, an integrated equipment package that is normally supplied by a single supplier as a trade practice could be considered as one item of equipment if included as such in specifications. Also, equipment that is listed in the specifications as a separate, distinct item will usually be treated as a single product even though delivered to the construction site in a number of separate components to be assembled and incorporated into the treatment works.

The identification of a piece of equipment as a manufactured material or a component of a manufactured material will sometimes vary depending upon the particular situation. The same generator, for example, may be a separate identifiable construction material in one instance, and a component of a larger item, such as an incinerator, in another instance. The particular circumstances have to be considered, but the item that is identified within a separate section of the specifications and is treated at the construction site as a distinct, complete item will normally determine that to which the Buy American provision is to be applied.

A sewage treatment plant, as an entity, would normally not be considered the end product.

Second Procedure: Application of the "Manufactured in United States" Requirement and the 50 Percent Rule to Construction Materials

In the case of manufactured construction materials, the statute and regulations create a preference for construction materials "manufactured in the United States" that are "substantially all" for materials, articles or supplies of domestic origin. Construction materials that meet this test are known as "domestic," those that do not are "nondomestic."

Federal procurement regulations specify that to be "domestic," a manufactured construction material must meet two tests: (1) It must have been manufactured in the United States, and in addition, (2) the cost of its components which are mined, produced, or manufactured in the United States must exceed 50 percent of the cost of all

its components (termed "substantially all") from domestic sources. If a construction material does not meet both of these two tests, it is considered to be "nondomestic." Explanatory comments on these two tests follow:

(1) Manufactured in the United States

The Buy American provision requires that to be domestic, construction materials must be manufactured in the United States (includes all jurisdictions defined as a "State" in Section 502)3) of the Clean Water Act, 33 U.S.C. 1362(3)). A construction material will not be considered domestic if it is manufactured entirely outside the United States from domestic components. The "manufactured in the U.S." test is applied very broadly. For example, the Comptroller General has ruled that the mounting of electric motors on an otherwise inoperable imported pump unit constituted "manufacture" of the unit. However, the Comptroller General has also ruled that the mere packaging of an item is not manufacturing, nor are testing and evaluation of items considered manufacturing.

The determination as to whether or not an item is manufactured in the United States is not expected to be very difficult in the ordinary run of cases. If there are problems, they will be resolved by the grantee or the EPA Regional Office, with appropriate assistance from EPA Headquarters.

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(2) The "Substantially All" (50 Percent) Test

Once the "manufactured in the United States" test has been satisfied, a manufactured construction material must satisfy the "substantially all" (50 percent) test. The rules for applying this test have been established by the Comptroller General (46 Comp. Gen. 784).

This test provides that a manufactured construction material is classified as domestic if the cost of its components which are mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all of its components. A component is an item which actually becomes part of the construction material. Manufacturing costs to assemble the components into the final product are not considered in applying the 50 percent rule. For purposes of determining the ratio of domestic component cost to total component cost, items such as packaging, shipping, labor and other production costs, testing and profit, are not considered (as these are not components).

An example with an explanation of the application of the 50 percent rule follows:

Shipping Labor Testing Profit Other Production Costs			$12,000	Final manufacturing costs not considered in 50 percent
Component A Foreign	Component B Domestic	Component C Domestic	Component D Domestic*	Basis of 50 percent cost determination
$20,000	$4,000	$6,000	$8,000	

* - Component made by equipment manufacture itself (priced as though it were purchased from another manufacturer or supplier)

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In this illustration, there are four components that make up the composition of a piece of equipment. Foreign component "A" costs the manufacturer $20,000. Components "B" and "C" are purchased from domestic manufacturers and total $10,000 together. Component "D" is manufactured by the manufacturer itself and has a value, as though it were purchased like the other domestic components, of $8,000. The value assessed should be at the component rather than spare parts level. To compute the 50 percent rule, the value of the domestic components ($18,000) is compared to the value of the total of all of the components ($20,000 + $4,000 + $6,000 + $8,000 = $38,000). As the total value of all of the components is $38,000, and the value of the domestic components ($18,000) constitutes 47.5 percent of the total value, the equipment is determined to be nondomestic as the domestic value is not over 50 percent of the total value. Note that the $12,000 in final manufacturing costs is not permitted to enter into the computation. It is only the value of the components that is considered (based on the 1967 GAO decision). Also note that the 6 percent cost preference rule is not applied during this evaluation (by GAO decision) as it is used by the prime contractor only in the evaluation of price quotations from suppliers or manufacturers.

The 50 percent test does not require the contractor, subcontractor or other lower tier supplier who might supply construction materials to consider the national origin of the materials that have been used in the manufacture of the components which make up the construction material to be delivered. To have the cost of a component be regarded as "domestic" for purposes of the 50 percent test, it need only be established that the component was mined, produced or manufactured in the United States. In other words, the 50 percent test is not applied to the composition of each component; rather, the component is considered only as to where it was mined, produced, or manufactured. 45 Comp. Gen. 658 (1966).

Third Procedure: Application of the 6 Percent Price Preference for Domestic Construction Materials to Bids or Price Quotations

When domestic and nondomestic materials are in competition, the prime construction contractor, as well as subcontractors, are required to apply the Buy American provision to give preference to domestic construction materials when the domestic material has a delivered price of no more than 6 percent over the nondomestic material.

The differential by which domestic construction material may be given preference shall generally be the sum determined by computing up to 6 percent of the bid or offered price of materials of foreign origin including all costs of delivery to the construction site, including any applicable duty, whether or not assessed. Computations will normally be based on prices on the date of opening of bids or the date of price quotations.

The contractor applies the Buy American provision at the time that the identity of the material and its prices become known. For example, the identity and the delivered price of a construction material may be able to be determined at the time of bid submittal. At other times it may be when shop drawings are submitted. If the original selection is changed or a change order involves construction materials, then the contractor will have to reapply the Buy American requirements.

If the prime contractor does not properly comply with the Buy American provision by providing a nondomestic material when a domestic material should have been chosen, it may be required to substitute the domestic material at no change in price. If the material has been irrecoverably incorporated into the treatment works, then the grantee may assess the contractor for the difference in the costs of the domestic and nondomestic materials that were in competition.

It should be noted here that a manufacturer or supplier of a domestic material must have made a bid or price quotation on the project at the appropriate time for doing so. A manufacturer or supplier cannot, after the fact, unilaterally secure use of its domestic material by stating that it will supply it for a price within the 6 percent variation.

V. Waivers

In accordance with the EPA Buy American statute, the Regional Administrator may waive the Buy American provision based on those factors deemed relevant, including:

(1) Inconsistency with the public interest, including multilateral government procurement agreements.

(2) Unreasonable cost of the domestic material.

(3) Unavailability of the material from domestic sources in sufficient and reasonably available commercial quantities and of a satisfactory quality.

(4) Unavailability of Agency resources to carry out the provisions.

These four provisions are summarized as follows:

(1) *Inconsistency with Public Interest, Including Multilateral Government Procurement Agreements.* The public interest waiver has traditionally been included in Buy American regulations to cover unforeseen circumstances. For example, it has been held that the determination that domestic sources will be unable to satisfy the needs for material in a timely manner will suffice as a basis for this waiver. In addition, the Congress in December 1977 included the possibility of a waiver for inconsistency with multilateral government procurement agreements. This provision was included in the context of the multilateral trade agreement which the While House was negotiating with other nations to remove obstacles to world trade. The legislative history of the Trade Agreements Act of 1979 specifically states that the Buy American provisions in the Clean Water Act will not be affected by the Trade Agreements Act. Therefore, no waivers will be made in connection with that Act.

The Regional Administrator may make the public interest determination, but the Deputy Administrator must be consulted on any wiaver based on the multilateral government procurement agreement clause.

(2) *Unreasonable Cost of the Domestic Material.* The cost of domestic material is considered to be unreasonable when the delivered price of a domestic material exceeds the delivered price of a nondomestic material by more than 6 percent. Under these circumstances, the waiver is automatic, and no application for a waiver needs to be made to the Regional Administrator.

(3) *Unavailability of Domestic Materials.* Where a construction material is not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities or satisfactory quality for the particular project, a nondomestic source may be used. A component that is domestically unavailable will be treated as a component manufactured in the United States.

(4) *Unavailability of Agency Resources to Implement the Buy American Provision.* The Congress provided EPA with the authority to waive the implementation of the Buy American provision if EPA resources are not sufficient to carry out the provision. The Regional Administrator, with the concurrence of the Deputy Administrator, may exercise this authority. (The use of this waiver would

be a policy decision of some magnitude and is expected to be used only in extraordinary circumstances.)

In answer to several comments, consideration was given to establishing a floor of $10,000 below which Buy American would be waived but this was not found to be possible. Comments are, however, requested on the concept of a floor.

VI. Required Statement in Bidding Documents

EPA regulations (40 CFR 35.936–13(d)(4)) provide Buy American provisions that must be included in the bidding documents (along with the rest of 40 CFR 35.936, 35.938, and 35.939).

VII. Require Statement in Step 3 Contracts

Appendix C–2 of the Construction Grants Regulations provides the Buy American provision for all construction contracts.

VIII. Access to Records

A supplier or manufacturer is obligated to disclose upon request, cost and price information to the Regional Administrator to the extent necessary to determine compliance with the Buy American requirement: However, confidential business data will be protected from public disclosure by the Regional Administrator.

IX. Protests

Any party with an adversely-affected direct financial interest may protest an alleged violation of the Buy American provision in accordance with 40 CFR 35.939 of the regulations for grants for construction of treatment works.

The Regional Administrator may handle protests under the appropriate procedures of 40 CFR 35.939. In making determinations, the Regional Administrator shall generally use the "Buy American" procedures, regulations, precedents and requirements of other Federal departments and agencies.

Buy American Procedures

First procedure	Second procedure	Third procedure
Identification of construction material to which to apply Buy American.	Application of 50-percent rule to determine if construction material is domestic or nondomestic (usually done by manufacturer).	Application of 6-percent price preference for domestic construction materials. (Prime Contractor)
Definition of Construction Material		
Any article, material or supply brought to the construction site for incorporation into the treatment works. Construction materials are either manufactured or unmanufactured.		
Manufactured construction material		
Specifications will normally identify manufactured "end products" that are to be delivered to construction site; e.g., steel beams.	First Test: If construction material is manufactured in foreign country, it is nondomestic..... Second Test: If construction material is manufactured in the U.S., add up costs to manufacturer of all "components." Exclude profit, labor and other production costs to manufacture the components into construction material. If over 50 percent of total costs of components is from U.S. sources, the construction material is domestic, if not, it is nondomestic.	Contractor determines comparable delivered prices to the construction site of the domestic and nondomestic construction materials that are in competition. If the domestic price is no more than 6 percent higher than the nondomestic price, the domestic construction material must be selected (subject to statutory waivers such as inconsistency with public interest and unavailability of domestic sources).
Unmanufactured construction materials		
Unmanufactured construction materials to be delivered to construction site (usually mined or grown); e.g., gravel, are normally self-evident.	Source of unmanufactured construction materials identifies it as domestic or nondomestic.	Same procedure as for manufactured. Above.
Proposed statment on materials		
	Manufacturer or supplier of construction material to provide contractor with statement that material is domestic or nondomestic, based on cost of components.	Prime contractor to provide statement that prices of nondomestic construction materials selected are more than 6 percent less than quoted prices of domestic equipment or major materials. Maker of statement must keep price records so as to be prepared to justify selection of nondomestic materials upon request.

Appendix A— Proposed Required Statements of Manufacturers or Suppliers, and Prime Contractors in Reference to the Buy American Provision

A. Statement on Component Contents of a Construction Material

EPA is concerned that in applying the Buy American provision of the Clean Water Act of 1977 and implementing regulations, the prime contractor may not know when it is involved in dealing with a nondomestic construction material so that it can apply the up to 6 percent price preference for domestic construction materials.

To assist the prime contractor for construction in applying Buy American, a method is needed to inform the contractor when nondomestic materials are involved. No problem is anticipated with unmanufactured materials or foreign manufactured materials that are identified as foreign in invoices or by markings on the material. However, difficulties can occur when a domestic manufacturer provides materials that have a 50 percent or more foreign content, but there is no labeling or other information as to foreign content.

To remedy this problem, EPA is considering that a statement be required from the manufacturers or suppliers of major equipment or major materials, such as pipe, structural steel, or bulk materials, as listed in the specifications. The statement would read that the aggregate cost of the components, as determined according to the 50 percent method described in the PRM amounts to a construction material that is domestic or nondomestic. A sample is as follows:

"The value of the components comprising the construction material identified as ———— in contract number ———— for the sewage treatment project for the municipality of ———— is (or is not) over 50 percent from United States sources and is therefore domestic (or not domestic) as described in EPA PRM dated ————.

Manufacturers or suppliers that state that

their product is domestic must be prepared to substantiate these claims during future audits or protest actions.

Comments are invited as to whether EPA should require such a statement to accompany every bid or price quotation of every major equipment or main materials item, or only upon request when a protest occurs.

B. Statement of Contractor on Nondomestic Construction Materials

To facilitate the application of the Buy American provision, EPA is considering requiring that when nondomestic materials are chosen, the prime contractor must provide the grantee with a statement that (1) all material to be furnished is domestic, except for that shown on an attached list displaying major nondomestic equipment or materials chosen, for which the quoted delivered price of the nearest competitive domestic equipment (if recieved) was more than 6 percent over the quoted delivered price of the nondomestic equipment, or (2) the equivalent domestic material is unavailable. The contractor will maintain records to document the price differentials, for possible audit verification of its compliance or for other purposes. The statement itself will not require the listing of prices.

Comments are invited on this provision which is substantially required by at least one other Federal agency for direct government procurement.

FR Doc. 80-23309 Filed 8-1-80; 8:45 am]

BILLING CODE 6560-01-M

Science Advisory Board Clean Air Scientific Advisory Committee; Open Meeting

Under Public Law 92-463, notice is hereby given of a meeting of the Clean Air Scientific Advisory Committee of the Science Advisory Board. The meeting will be held August 20-22, 1980, starting at 9:00 am on August 20 and 8:30 am on August 21-22 at the Twin Bridges Marriott Hotel, 333 Jefferson Davis Highway, Arlington, Virginia.

The purpose of the meeting is to allow the Committee to review and provide its advice to EPA on the April 1980 first external review draft of EPA's revised air quality criteria document for sulfur oxides and particulate matter. For this review, the Committee has been divided into two subcommittees, one of which will review health effects related information and the other to review welfare effects related information. The two subcommittees will jointly consider air quality measurements and related issues before breaking to consider health and welfare effects in separate concurrent sessions.

Copies of the April 1980 draft air quality criteria document may be obtained by writing Ms. Diane Chappel, Environment Criteria and Assessment Office, MD-52, EPA, Research Triangle Park, N.C., 27711, or by calling Ms. Chappel at (919) 541-2525.

Additional items on the Agenda for the Committee's review will be outlines of EPA staff papers for sulfur oxides and particulate matter; a list of questions concerning topics in each of the outlines; and several short issues statements to be discussed at the meeting. Copies of these documents may be obtained by writing Mr. John H. Haines, Office of Air Quality Planning and Standards, MD-12, EPA, Research Triangle Park, N.C. 27711, or by calling Mr. Haines at (919) 541-5355.

The meeting is open to the public. Any member of the public wishing to obtain information or participate should contact Terry F. Yosie (202) 755-0263, by close of business August 15, 1980. Members of the public wishing to make formal statements at the meeting should provide a written summary to Mr. Yosie by close of business August 15, 1980.

The following individuals have agreed to serve on the Committee to review the April 1980 first external review draft of EPA's revised air quality criteria document for sulfur oxides and particulate matter:

Clean Air Scientific Advisory Committee, Subcommittee on Health Effects of SOx/PM

Dr. Mary Amdur, Department of Nutrition and Food Science, Room 16339, MIT, Cambridge, Mass. 02139.
Dr. Judy A. Bean, College of Medicine, Dept. of Preventative Medicine and Environmental Health, University of Iowa, Iowa City, Iowa 52242.
Dr. Edward Crandall, Division of Pulmonary Disease, Department of Medicine, UCLA, Los Angeles, Calif. 90024.
Dr. Bernard Goldstein, Rutgers University Medical School, Department of Environmental and Community Medicine, Piscataway, N.J. 08854.
Dr. Herschel Griffin, Dean, School of Public Health, Room A625, Crabtree Hall, University of Pittsburgh, Pittsburgh, PA 15261.
Dr. Timothy Larsen, Department of Civil Engineering, Mail Stop FC-05, University of Washington, Seattle, Washington 98195.
Dr. Morton Lippman, Institute of Environmental Medicine, New York University, New York, New York 10016.
Dr. Roger O. McClellan, Director of Inhalation Toxicology Research Insititute, Lovelace Foundation, P.O. Box 5890, Albuquerque, New Mexico 87115.
Dr. Vaun Newill, Exxon Corp., Research and Environmental Health Division, P.O. Box 235, East Millstone, N.J. 08873.
Dr. Warren Winkelstein, Dean, School of Public Health, 140 Earl Warren Hall, University of California at Berkeley, Berkeley, California 94720.

Subcommittee on Welfare Effects of SOx/PM

Dr. Robert Dorfman, Department of Economics, Harvard University, 325 Littauer, Cambridge, Mass. 02138.
Dr. Sheldon Friedlander, School of Engineering and Applied Science, UCLA, Los Angeles, Calif. 90024.
Dr. W. Lawrence Gates, Director, Institute for Atmospheric Science, Oregon State University, Corvallis, Oregon 97331.
Dr. Ronald Hall, Rocky Mount Biological Station, Crested Butte, Colorado 81224.
Mr. Harry Hovey, New York Department of Environmental Conservation, 50 Wolf Road, Albany, NY 12233.
Dr. Andrew McFarland, Dept. Civil Engineering, Texas A&M University, College Station, Texas 77843.
Dr. Peter McMurray, Department of Mechanical Engineering, University of

Minnesota, 111 Church Street, SE., Minneapolis, Minn. 55455.
Dr. Donald Pack, 1826 Opalocka Drive, McLean, Va. 22101.
Dr. Michael Treshow, Dept. of Biology, University of Utah, Salt Lake City, Utah 84112.

Richard M. Dowd,
Director, Science Advisory Board.
July 29, 1980.
[FR Doc. 80-23312 Filed 8-1-80; 8:45 am]
BILLING CODE 6560-01-M

[FRL 1558-8]

Enforcement of Standards Applicable to Shippers and Transporters of Hazardous Waste; Memorandum of Understanding Between the Department of Transportation and the U.S. Environmental Protection Agency

Pursuant to the Hazardous Materials Transportation Act (HMTA), 49 U.S.C. 1801–1812, the Secretary of Transportation promulgated regulations governing the transport of hazardous wastes and hazardous substances. 45 FR 34560 (May 22, 1980). Pursuant to the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901–6981, the Administrator of the U.S. Environmental Protection Agency (EPA) promulgated regulations which establish standards applicable to transporters of the hazardous waste. 45 FR 33150 (May 19, 1980). The regulations establishing standards applicable to transporters of hazardous waste were promulgated by the Administrator after consultation with the Secretary of Transportation and are consistent with the requirements of HMTA and the regulations promulgated pursuant to that Act. In addition, the Administrator of the EPA has made recommendations to the Secretary of Transportation respecting the regulations of hazardous waste materials subject to HMTA and for the addition of materials to be covered by that Act.

In order to integrate the administration and enforcement of the provisions of HMTA and RCRA, and to avoid duplication to the maximum extent practicable, the Secretary of Transportation and the Administrator of EPA have executed a Memorandum of Understanding (MOU) regarding the enforcement of standards applicable to shippers and transporters of hazardous waste.

The Secretary of Transportation and the Administrator of EPA do not intend the MOU to establish standards applicable to state hazardous waste programs which are authorized under § 3006 of RCRA. States which are authorized to carry out hazardous waster programs are encouraged to develop their own agreements between the appropriate State transportation agency and State environmental agency to ensure the uniform and consistent enforcement of the hazardous waste transportation regulations.

The MOU, which delineates the areas of compliance monitoring and enforcement responsibilities with respect to hazardous waste shipments, reads as follows:

Memorandum of Understanding Between the Environmental Protection Agency and the Department of Transportation

I. Purpose

The purpose of this Memorandum of Understanding (MOU) is to delineate the areas of responsibility of the Department of Transportation (DOT) and the Environmental Protection Agency (EPA) for the enforcement of standards applicable to the shipment and transportation of hazardous waste. This MOU will also set forth those areas of joint responsibility and cooperation between the two Agencies.

II. Statutory Basis

A. *EPA and the Resource Conservation and Recovery Act of 1976.* The Resource Conservation and Recovery Act of 1976 (RCRA) (42 U.S.C. 6901 et. seq.) in Section 3002 and Section 3003 requires EPA to regulate generators and transporters of hazardous wastes to protect human health and the environment. This authority covers both inter- and intra-state transportation. The Act requires EPA to promulgate standards concerning recordkeeping, reporting, labelling, containers, compliance with the manifest system, and the transportation of waste only to permitted facilities.

Section 3003 also requires the Administrator of EPA to ensure that hazardous waste transportation regulations promulgated under RCRA are consistent with those promulgated by DOT under the Hazardous Materials Transportation Act (HMTA). Furthermore, it provides the Administrator the authority to make recommendations to the Secretary of Transportation respecting HMTA regulations and for addition of materials to be covered under those regulations. (40 CFR Parts 260–265.)

B. *DOT and the Hazardous Materials Transportation Act.* The Hazardous Materials Transportation Act (HMTA) (49 U.S.C. 1801 *et. seq.*) requires the Secretary of Transportation to promulgate standards for the transportation of hazardous materials in commerce to protect public health and safety or proeperty. "In commerce" extends to all activities which affect interstate transportation. The HMTA regulations cover all modes of transportation (highway, railroad, air and water) and require, among other things, proper marking, containerization, storage, shipping papers and placarding. (49 CFR Parts 170–179.)

III. Background

A. *Regulatory Overlap.* DOT and EPA are both promulgating regulations concerning hazardous waste material transportation. The DOT regulations require shippers of hazardous wastes, as defined by EPA, to comply with both HMTA and RCRA regulations. This group includes wastes which were previously designated hazardous materials. These wastes must comply with the new DOT standards for hazardous waste materials.

B. *Areas of Individual Regulation.* There are, however, areas over which only one or the other Agency has jurisdiction. One such area is the EPA requirement that transporters clean up any discharges of hazardous waste which they are carrying. DOT cannot incorporate such a requirement into its regulations because it is beyond DOT's authority.

DOT, on the other hand, requires that certain safety features be installed on all motor vehicles. EPA's authority does not extend to such safety requirements, and they would not be included in EPA's regulations.

IV. Terms of Agreement

A. *The Environmental Protection Agency Will.* 1. Conduct an on-going program to monitor compliance of generators of hazardous waste and hazardous waste management facilities with the RCRA regulations.

2. Bring enforcement actions, at times, involving hazardous waste transporters where the transportation is ancillary to treatment, storage or disposal of hazardous waste or other activities normally under the primary jurisdiction of EPA as discussed in this MOU. (For example, a "midnight dumper" will be considered an illegal disposer. The fact that the "dumper" is transporting the waste is ancillary to the disposal of the waste and EPA will bring appropriate enforcement action against him.)

3 Provide to the Bureau of Motor Carrier Safety (BMCS), Federal Highway Administration's (FHWA) Washington Office, DOT on a continuing basis, a list of all hazardous waste transporters who have notified EPA pursuant to section 3010 of RCRA and their identification numbers.

4. Immediately notify the BMCS, FHWA's Washington Office, DOT of any possible violation of HMTA or regulations adopted thereunder of which it is aware and provide that office with all relevant information.

5. Investigate reports from DOT which give EPA cause to suspect that a violation of RCRA has occurred and, where warranted, initiate appropriate regulatory or enforcement action under RCRA.

6. Provide DOT with any information obtained during the course of an EPA investigation which EPA believes may involve a violation of HMTA.

7. Make available to BMCS, FHWA, DOT any reports, documents or other evidence necessary to support an enforcement action under HMTA which involves hazardous waste materials.

8. Make available to the Office of Hazardous Materials Regulation, Materials Transportation Bureau, Research and Special Programs Administration, DOT, any reports, documents or other evidence necessary to support a regulatory action under HMTA which involves hazardous waste materials.

9. Bring enforcement actions to address hazardous waste activities which may present an "imminent and substantial endangerment to health and the environment" as those words are used in the statutes administered by EPA (such as § 7003 of RCRA and § 504 of the Clean Water Act).

B. *The Department of Transportation Will:*

1. Conduct an on-going program of inspections of transporters and shippers of hazardous waste to monitor their compliance with HMTA regulations.

2. Immediately advise the appropriate EPA regional office of any possible violation of RCRA or regulations adopted thereunder of which it is aware and provide that office with all relevant information.

3. Investigate reports from EPA which give DOT cause to suspect that a violation of HMTA has occurred and, where warranted, initiate appropriate regulatory or enforcement action under HMTA.

4. Provide EPA with any information obtained during the course of a DOT investigation which DOT believes may involve a violation of RCRA.

5. Make available to EPA any reports, documents or other evidence necessary to support enforcement and regulatory actions under RCRA which involve hazardous waste.

C. *Each Agency Will:* 1. Presume that when information reveals a violation of both RCRA and HMTA, if DOT takes an enforcement action under HMTA, EPA will not normally take such action. Conversely, if EPA takes an enforcement action under RCRA, DOT will not normally take such action. This does not, however, preclude either Agency from initiating other legal sanctions in regard to that violation.

2. Coordinate investigations and enforcement actions involving violations of both RCRA and HMTA to avoid duplication of effort.

3. Maintain a close working relationships with the other, both in Headquarters as well as in the field, including an exchange of information relative to the Agencies' planned hazardous waste material compliance monitoring and enforcement activities.

4. Designate for the other Agency a Headquarters contact point to whom communication regarding this agreement or matters affected thereby may be referred for attention.

5. Assign regional liaisons between the Agencies, and provide a mechanism by which regional contacts will be made and maintained for the period of this agreement.

6. Issue and exchange with the other instructions and guidelines implementing this Memorandum of Understanding identifying interagency contacts and liaison representatives, and setting forth other pertinent operational procedures to be followed relative to this agreement.

V. Effect

A. This Memorandum of Understanding is not intended to limit in any way the statutory authority or jurisdiction of either Agency.

B. Nothing in this Memorandum of Understanding modifies other existing agreements, or precludes either Agency from entering into separate agreements setting forth procedures for special programs which can be handled more efficiently and expeditiously by such special agreement.

C. This Memorandum of Understanding when accepted by both Agencies shall continue in effect unless modified by mutual written consent of both Agencies or terminated by either Agency upon a thirty day written notice.

D. Any conflict arising as a result of this Memorandum of Understanding will be resolved by EPA's Deputy Assistant Administrator for Water Enforcement and DOT's Associate Director for Operations and Enforcement, Materials Transportation Bureau, Research and Special Programs Administration.

For the Environmental Protection Agency.

Douglas M. Costle,

Administrator.

Dated: May 2, 1980.

For the Department of Transportation.

Neil Goldschmidt,

Secretary.

Dated: June 24, 1980.

(This Memorandum of Understanding becomes effective on the date of the final signature)

[FR Doc. 80-23314 Filed 8-1-80; 8:45 am]

BILLING CODE 6560-01-M

[OPTS-51098; FRL 1559-6]

Polymer of 2,2-Dimethyl 1,3-Propanediol, 2,2,4-Trimethyl 1,3-Pentanediol, Butendioic Acid; Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This Notice announces receipt of a PMN and provides a summary.

DATES: Written comments by September 6, 1980.

ADDRESS: Written comments to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460, 202-755-8050.

FOR FURTHER INFORMATION CONTACT: Kirk Maconaughey, Premanufacturing Review Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460, 202-426-3936.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA [90 Stat. 2012 (15 U.S.C. 2604)], requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under Section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Initial Inventory was published in the **Federal Register** of May 15, 1979 (44 FR 28558). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in Section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the **Federal Register** nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the **Federal Register**.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality

claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summary of the data taken from the PMN is published herein.

Interested persons may, on or before September 6, 1980, submit to the Document Control Officer (TS–793), Rm. E–447, Office of Pesticides and Toxic Substances, 401 M St. SW., Washington, D.C. 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS–51098]" and the PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: July 28, 1980.

Warren R. Muir,

Acting Deputy Assistant Administrator for Chemical Control.

PMN 80–161

Close of Review Period. October 6, 1980.

Manufacturer Identity. Pioneer Plastics, Division of LOF Plastics Inc., Pionite Road, Auburn, ME 04210.

Specific Chemical Identity. Polymer of 2,2-dimethyl 1,3-propanediol, 2,2,4-trimethyl 1,3-pentanediol, butendioic acid.

The following summary is taken from data submitted by the manufacturer in the PMN.

Use. For use in electronic insulation equipment.

Production Estimates. The manufacturer states that production will range from 250,000 pounds during the first year to a million pounds after three years.

Physical/Chemical Properties. No data were submitted.

Toxicity Data. No data were submitted.

Occupational Exposure. The submitter states that up to ten people will be directly exposed for an eight-hour period to the starting materials and finished resin. About 20 people who work at the same location may be exposed for short periods of time.

Disposal. Water soluble portion of distillate will be fed to a biological treatment plant. Disposal of the insoluble PMN substance and byproducts is by incineration.

[FR Doc. 80–23315 Filed 8–1–80; 8:45 am]

BILLING CODE 6560–01–M

[OPTS–51095; FRL 1559–5]

Reaction Products of [(Amino-Disubstitutedcarbomonocyclic)Azo] Carbomonocyclesulfonic Acid and [Amino-Monosubstituted-Carbomonocyclic)Azo] Carbomonocyclesulfonic Acid With Carbonic Dichloride; Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This Notice announces receipt of a PMN and provides a summary.

DATES: Written comments by August 31, 1980.

ADDRESS: Written comments to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, 202–755–8050.

FOR FURTHER INFORMATION CONTACT: George Bagley, Premanufacturing Review Division (TS–794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, 202–426–3936.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA [90 Stat. 2012 (15 U.S.C. 2604)], requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new"chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under Section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Initial Inventory was published in the **Federal Register** of May 15, 1979 (44 FR 28558). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in Section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the *Federal Register* nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the **Federal Register.**

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and

complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) Federal Register notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the Federal Register.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summary of the data taken from the PMN is published herein.

Interested persons may, on or before August 31, 1980, submit to the Document Control Officer (TS–793), Rm. E–447, Office of Pesticides and Toxic Substances, 401 M St., SW, Washington, DC 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS–51095]" and the PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: July 28, 1980.

Warren R. Muir,

Acting Deputy Assistant Administrator for Chemical Control.

PMN 80–154.

Close of Review Period. September 30, 1980.

Manufacturer Identity. Claimed confidential.

Specific Chemical Identity. Claimed confidential. Generic name provided: Reaction products of [(amino-disubstitutedcarbomonocyclic)azo]carbomonocyclesulfonic acid and [(amino-monosubstitutedcarbomonocyclic)azo]-carbomonocyclesulfonic acid with carbonic dichloride.

The following summary is taken from data submitted by the manufacturer in the PMN.

Use. Dye intermediate.

Production Estimates. Claimed confidential.

Physical/Chemical Properties. No data were submitted.

Toxicity Data.

Oral toxicity LD_{50}, (rats)—>5.0 g/kg.

Primary dermal irritation (rabbits)—Non-irritant.

Eye irritation (rabbits)—Test material in washed eyes is a non-irritant. The irritation potential in unwashed eyes is undetermined.

Occupational Exposure:

Activity	Exposure route(s)	Number of potentially exposed workers	Maximum duration of exposure
Manufacture	Dermal	12	4/hr/da; 12 da/yr.
Use	Dermal	6	2/hr/da; 12 da/yr.

The submitter claims that the isolated intermediate in this PMN represents little or no risk to health or the environment. Potential exposure to the moist solid form of the PMN substance is limited to dermal and eye exposure. Operating personnel wear protective equipment to avoid any skin or eye contact.

Environmental Release/Disposal. The substance is produced and used as an aqueous paste, precluding release into the atmosphere. There are no solid wastes produced during production and use of the PMN substance. Release of the substance from production and use (less than 10 kilograms per year) is entirely to a waste treatment facility. These aqueous wastes are treated in a manner that provides for virtually complete removal from the plant effluent.

[FR Doc. 80–23316 Filed 8–1–80; 8:45 am]

BILLING CODE 6560–01–M

FEDERAL COMMUNICATIONS COMMISSION

In re applications of Grace Broadcasting Systems, Inc., Green Valley, Arizona, Req: 92.1 MHz, Channel 221, 3 kW (H & V) minus 8 feet, (BC Docket No. 80–373, File No. BPH–781114AF); Larry E. Salsburey d.b.a. Green Valley Broadcasting Co., Green Valley, Arizona, Req: 92.1 MHz, Channel 221, 3 kW (H & V) 88 feet, (BC Docket No. 80–374, File No. BPH–790523AA); Johnson Broadcasting, Inc., Green Valley, Arizona, Req: 92.1 mHz, Channel 221, 3 kW (H & V) 150 feet, (BC Docket No. 80–375, File No. BPH–790529AE); Kangaroo, Inc., Green Valley, Arizona, Req: 92.1 MHz, Channel 221, 3 kW (H & V) 300 feet, (BC Docket No. 80–376, File No. BPH–790530AA); Fairfield Green Valley, Inc., Green Valley, Arizona, Req: 92.1 MHz, Channel 221, 3 kW (H & V) 174 feet, (BC Docket No. 80–377; File No. BPH–790530AB); Canoa Broadcasting Corp., Green Valley, Arizona, Req: 92.1 MHz, Channel 221, 3 kW (H & V) minus 15 feet, (BC Docket No. 80–378, File No. BPH–790530AH); For construction permit for a New FM Station.

Grace Broadcasting Systems, Inc. et al.; Designating Applications for Consolidated Hearing on Stated Issues

Adopted: June 26, 1980.

Released: July 28, 1980.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delgated authority has under consideration the above-captioned mutually exclusive applications.

2. *Grace. The applicant states that 80 shares of common stock have been issued. However, it cannot be determined who holds those shares. Accordingly, an ownership issue will be specified.*

3. Grace's public notice was deficient in that it did not list the directors,

officers and ten percent stockholders of the corporation in accordance with § 73.3580 of the rules. To remedy this deficiency, Grace will be required to republish local notice of its application with the presiding Administrative Law Judge.

4. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purpose of comparison, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated preceeding on the issues specified below.

6. Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine who holds 80 shares of common stock issued by Grace Broadcasting Systems.

2. To determine which of the proposals would, on a comparative basis, best serve the public interest.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

7. It is further ordered, That Grance republish local notice specifying the directors, officers and ten percent stockholders of the corporation and file a statement of republication with the presiding Administrative Law Judge.

8. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

9. It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended and § 73.3594(g) of the Commission's rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Richard J. Shiben,

Chief, Broadcast Bureau.

Jerold L. Jacobs,

Chief Broadcast Facilities Division.

[FR Doc. 80-23345 Filed 8-1-80; 8:45 am]

BILLING CODE 6712-01-M

[FCC 80-418]

Petition by General Electric Co. for Waiver

AGENCY: Federal Communications Commission.

ACTION: Order Granting Waiver.

SUMMARY: GE has developed an energy saving, high efficiency light source—the Electronic Halarc light bulb. The Order waives certain of the FCC Part 18 regulations to permit immediate marketing of this bulb.

EFFECTIVE DATE: Non-Applicable.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Robert Bromery, Federal Communications Commission, Office of Science and Technology, Telephone 202-653-8127.

Order Granting Limited Waiver

In the matter of petition by General Electric Co. for a waiver of §§ 18.142(b) and 18.142(c) of FCC rules.

Adopted: July 17, 1980;
Released: July 23, 1980.

By the Commission: 1. General Electric Company (GE) on September 6, 1979 filed a petition to waive the certification requirement of Section 18.142(b) and the three year recertification requirement of Section 18.142(c) for a new Electronic Halarc light bulb. This petition was put on public notice on Septmeber 14, 1979. No comments regarding this petition were received.

2. The petition states that this new light bulb uses metal halide technologies combined with RF electronic circuitry to produce the light output of a conventional 150 watts tungsten bulb at about 1/3 of the energy input. In addition, average life of the new bulb is projected to be about 4 times longer than that of the incandescent bulb it is designed to replace. Except for a somewhat larger base made of plastic, the bulb looks similar to the standard incandescent bulb and is designed to fit the standard household socket. GE indicates that the bulb was designed to produce a warm, pleasing color similar to most incandescent lamps. According to GE, if during the 1980's one of the new Electronic Halarc bulbs replaced each 50/100/150 watt three way incandescent bulbs across the nation, the new bulbs could operate with a light output equivalent to the 150 watt level and still provide an energy savings of 40 billion kilowatt-hours over the average life of the bulb-approximately 5,000 hours.

3. The new light bulb as proposed by GE uses radio frequency energy to ionize the gas in a tube and to strike an arc in that tube. The arc is the main source of light. Once the arc is established and the bulb is in normal run mode, the radio frequency (RF) generator is turned off automatically and the bulb operates on the standard household line voltage. Since the new light source uses RF energy as part of the start up mechanism, it is considered to be a piece of miscellaneous equipment subject to the provisions of Subpart H, Part 18 of our Rules.

4. Miscellaneous Equipment is subject to the technical standards and equipment authorization procedures set out for Medical Diathermy Equipment (47 CFR Part 18, Subpart E). The Commission's rules permit such equipment to be type approved when designed to operate on an authorized Industrial, Scientific and Medical (ISM) frequency; if operated on other frequencies, the device must be certificated. In addition, miscellaneous ISM equipment that does not operate on an ISM frequency must be recertificated every three years. The GE Electronic Halarc light bulb does not operate on an authorized ISM frequency and consequently, under these rules, must be certificated and recertificated every three years.

5. The procedure for certification of such equipment under Section 18.142 requires the manufacturer to affix to each such equipment a certification which describes with certainty the equipment covered thereby and includes a brief statement of the engineering tests upon which the certification is based and the results thereof. Field strength measurements of radiated emissions must demonstrate that the equipment meets the limits imposed by Subpart E of Part 18. In addition, this certification must be renewed every three years as required by Section 18.142(c) so that a determination can be made that this

equipment continues to comply with the technical standards governing this equipment. It is this recertification requirement, placed on the operator (user) which is the major obstacle impeding a manufacturer from marketing such a device. The operator (user) is not normally in possession of the test equipment or knwledge required to conduct the required measurements nor is it economically practical for the manufacturer to find all of the individual users involved in order to obtain recertification. It is for these reasons that the petitioner is seeking relief from the three year recertification requirement.

6. Among the changes proposed in the proceeding in Docket No. 20718 [1] is the deletion of the three year recertification requirement, the addition of a line conducted interference requirement, particularly for a consumer ISM product such as the GE Electronic Halarc light bulb, and the addition of a mandatory requirement for certification of the equipment by this Commission as a prerequisite for marketing.

7. The Commission recognizes that its rules—particularly those of an administrative nature such as certification—should not stand in the way of marketing technologically advanced devices. Under our present regulations, recertification every three years is an administrative requirement that is obviously not suitable for a consumer product such as the Electronic Halarc light bulb. Recertification would require that each bulb be individually measured every three years. The expense of such measurement is an obvious obstacle to the marketing of the light bulb. Moreover, the requirement for remeasurement adds little, if any, additional safeguard against interference over and above that provided by mandatory FCC certification before the bulb is marketed. We anticipate that a revision of these regulations (Section 18.142 (b) and (c)) will be incorporated into the revised Part 18.

8. GE has indicated in their request that this model of the Electronic Halarc light bulb will not be widely marketed. It is intended that the equipment authorization and concurrent waiver of recertification be applicable to an anticipated maximum of 10,000 bulbs which will be utilized for market evaluation and field testing.

9. Although the Commission proposed a revision of Part 18 in Docket No. 20718, specific provisions for RF excited light sources were not included. Such equipment would be considered to be a consumer ISM product operated under the general conditions of operation and subject to radiated and conducted limits. If GE and other manufacturers of lighting sources which incorporate RF in their design do not feel the technical specifications proposed in Docket 20718 are suitable to provide for the operation of their equipment, it is incumbent upon them to petition the Commission to institute a rule making proceeding to make more adequate provisions for lighting sources which use RF energy in their operation. Also, the industry is reminded that the responsibility is theirs and not the Commission's for making or showing that such rules are necessary and in the public interst. Such determination has not been made here. We would encourage GE to use the opportunity afforded by this waiver to assess the interference potential of the Electronic Halarc bulb operating in a real world environment and to reflect this experience in any new standards suggested. [2]

10. We believe the reasons for the requested waiver have merit and that a limited waiver is warranted. Therefore, a limited waiver is granted subject to the following conditions:

(a) The General Electric Electronic Halarc light bulb shall be certificated by the Commission pursuant to FCC Rules, Part 2, Subpart J, to show compliance with the technical specifications in Part 18, Subparts E and H.

(b) This waiver covers the manufacture and marketing of 10,000 Electronic Halarc bulbs to be used in field testing and market evaluation.

(c) A report of all radio frequency interference (RFI) experiences resulting from the operation of the Electronic Halarc bulb under this waiver shall be submitted to the Commission at the conclusion of the field testing and market evaluation program.

(d) The following information shall be printed on the carton in which the Electronic Halarc bulb is purchased by the consumer: This device may cause objectionable interference to the operation of radio receivers. Such interference should be reported to the General Electric Company, Incandescent Lamp Dept., Nela Park, Cleveland, Ohio 44112, Attn. E. H. Witte.

11. It is ordered, therefore, that, subject to the conditions listed in paragraph 10 above, the requirements in § 18.142 (b) and (c) for the operation of the General Electric Electronic Halarc bulb are waived.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 80-23282 Filed 8-1-80; 8:45 am]

BILLING CODE 6712-01-M

[1] Docket No. 20718: In the matter of overall revision of Part 18 governing Industrial, Scientific, and Medical (ISM) equipment. Notice of Inquiry adopted March 9, 1976, released March 15, 1976; 41 FR 11626. Notice of Proposed Rule Making adopted September 19, 1978, released September 29, 1978; 43 FR 46326. Second Notice of Proposed Rule Making adopted January 1, 1979, released January 29, 1979; 44 FR 9771.

[2] The Commission commends GE and any other manufacturer who makes a concerted effort early in the development of any equipment capable of causing interference to radio communications to determine fully the applicability of the current FCC rules; if no rules are found to exist, to assess the electromagnetic compatibility of their equipment and suggesting new rules capable of protecting the public interest.

[Report No. A-16]

AM Broadcast Applications Accepted for Filing and Notification of cutoff Date

Released: July 30, 1980.

Cutoff Date: September 5, 1980.

Notice is hereby given that the applications listed in the attached appendix are hereby accepted for filing. They will be considered to be ready and available for processing after September 5, 1980. An application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on September 5, 1980, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., not later than the close of business on September 5, 1980.

Petitioners to deny any application on this list must be on file with the Commission not later than the close of business on September 5, 1980.

Federal Communications Commission.

William J. Tricarico.

Secretary.

Appendix

BP-790904AO (New), Somerville, Tennessee, Fayette County Broadcasting Co., Req: 1410 kHz, 500 W, DA-2, U

BP-790910AG (New), Payson, Arizona, RIM-CO., Inc., Req: 1420 kHz, 500, W, 2.5 kW-LS, DA-N, U

BP-790920AG (WZYX), Cowan, Tennessee, Watson Broadcasting Company, Inc., Has: 1440 kHz, 1kW, D, Req: 1440 kHz, 5kW, D

BP-790928AB (WMTC), Vancleve, Kentucky, Kentucky Mountain Holiness Association, Has: 730 kHz, 1 kW, D, Req: 730 kHz, 5 kW, DA-D

BP-791001AG (WPYK), Dora, Alabama, Mid Way Radio, Has: 1010 kHz, 500 W, D, Req: 1010 kHz, 5kW, D

BP-791017AC (WDOT), Burlington, Vermont, Hunter Broadcasting, Inc., Has: 1400 kHz,

250 W, 1 kW-LS, U, Req: 1390 kHz, 5 kW, DA-N, U

BP-791018AD (KWRM), Corona, California, Major Market Stations, Inc., Has: 1370 kHz, 500 W, 5 kW-LS, DA-2, U, Req: 1370 kHz, 2.5 kW, 5 kW-LS, DA-2, U

BP-791030AD (WEPG), Pittsburgh, Tennessee, Marion Co. Broadcasting Service, Inc., Has: 910 kHz, 500 W, D, Req: 910 kHz, 1 kW, D

BP-791115AA (New), Aiea, Hawaii, Stanley David Cook, Req: 1230 kHz, 250 W, 1 kW-LS, U

BP-791119AI (WHVL), Hendersonville, North Carolina, The Mountainaire Corp., Has: 1600 kHz, 1 kW, DA-D, Req: 1600 kHz, 5 kW, DA-D

BP-791123AA (New), Sardis, Mississippi, Jackson J. Kirke, Mattie E. Kirke & Barry K. Kirke, d.b.a., Sardis Broadcasting Company, Req: 1500 kHz, 500 W, D

BP-791128AA (New), Smyrna, Tennessee, Smyrna Broadcasting Corporation, Req: 710 kHz, 250 W, D

BP-791128AD (KXRX), San Jose, California, San Jose Broadcasting Co., Has: 1500 kHz, 5 kW, 10 kW-LS, DA-2, U, Req: 1500 kHz, 5 kW, 50 kW-LS, DA-2, U

BP-800229AB (KCCT), Corpus Christi, Texas, Radio KCCT, Inc., Has: 1150 kHz, 1 kW, D, Req: 1150 kHz, 500 W, 1 kW-LS, DA-N, U

BP-800312AF (KIFN), Phoenix, Arizona, Hispanic Communications Corporation, Has: 860 kHz, 1 kW, D, Req: 860 kHz, 1 kW, DA-N, U

BP-800314AB (New), Bullhead City, Arizona, River Bend Broadcasting, Inc., Req: 1490 kHz, 250 W, 1 kW-LS, U

BP-800418AJ (New), Atmore, Alabama, Randy Dale Gehman, Martin Eby Gehman, Vernie Lee Gehman, Martin Gerald Gehman & David Wayne Gehman d.b.a., Alabama Native American Broadcasting Company, Req: 1140 kHz, 10 kW (5 kW CH), D

BP-800527AA (KPHX), Phoenix, Arizona, Continental Broadcasting Corporation of Arizona, Inc., Has: 1480 kHz, 1 kW, D, Req: 1480 kHz, 500 W, 1 kW-LS, DA-N, U

BP-21,211 (WTLK), Taylorsville, North Carolina, International Broadcasting Co., Inc., Has: 1570 kHz, 500 W, Day, Req: 1570 kHz, 1 kW, Day

[FR Doc. 80-23352 Filed 8-1-80; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 80-345, File No. BPH-790214AG; BC Docket No. 80-355, File No. BPH-790808AD]

Peter E. Baird, et al.; Applications for New FM Station Construction Permit; Consolidated Hearing

In re Applications of Peter E. Baird, Catherine E. Baird and Nancy C. Hart, d.b.a. TEHACHAPI BROADCASTING, Tehachapi, California; Req: 103.1 MHz, Channel 276 0.068 kW (H&V), 1526 feet (BC Docket No. 80-354, File No. BPH-790214AG); and George L. Chambers, Bonnie L. Chambers, Richard Dan Anglin, and Rosaura Olivia Ramirez, d.b.a. CHAMBERS—ANGLIN BROADCASTING, Tehachapi, California; Req: 103.1 MHz, Channel 276 3.0 kW (H&V)—539.6 feet (BC Docket No. 80-335; File No. BPH-790808AD); construction permit for a new FM station; Hearing Designation Order; Designating Applications for Consolidated Hearing on Stated Issues

Adopted: June 25, 1980.

Released: July 25, 1980.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications of Peter E. Baird, Catherine E. Baird and Nancy C. Hart d.b.a. Tehachapi Broadcasting and Chambers-Anglin Broadcasting for a construction permit for a new FM station.

2. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas which would receive service from the proposals. Consequently, for the purpose of comparison, the areas which would receive FM service of 1 mV/m or greater strength, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

3. The applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

4. Accordingly, IT IS ORDERED, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications ARE DESIGNATED FOR HEARING IN A CONSOLIDATED PROCEEDING, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, better serve the public interest.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

5. IT IS FURTHER ORDERED, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

6. IT IS FURTHER ORDERED, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Jerold L. Jacobs,

Chief, Broadcast Facilities Division.

[FR Doc. 80-23348 Filed 8-1-80; 8:45 am]

BILLING CODE 6712-01-M

[Report No. B-7]

FM Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: July 16, 1980.

Cut-off date: August 28, 1980.

Notice is hereby given that the applications listed in the attached appendix are accepted for filing. Because the applications listed in the attached appendix are in conflict with applications which were accepted for filing and listed previously as subject to a cut-off date for conflicting applications, no application which would be in conflict with the applications listed in the attached appendix will be accepted for filing.

Petitions to deny the applications listed in the attached appendix and minor amendments thereto must be on file with the Commission not later than the close of business on August 28, 1980. Any application previously accepted for filing and in conflict with the applications listed in the attached appendix may also be amended as a matter of right not later than the close of business on August 28, 1980. Amendments filed pursuant to this notice are subject to the provisions of Section 73.3572(b) of the Commission's Rules.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

BPH-790625AE (new), Hart, Michigan, Alpine Broadcasting Company. Req: 105.3 mHz; channel No. 287C. ERP: 53.2 kW; HAAT: 626 ft.

BPH-790719AA (new), Rock Springs, Wyoming, First National Broadcasting Corp. Req: 99.5 mHz; channel No. 258C. ERP: 25 kW; HAAT: -45.1 ft.

BPH–791115AC (new), Sterling, Colorado, Arapahoe County Broadcasting Company. Req: 105.5 mHz; channel No. 288A. ERP: 3 kW; HAAT: 86 ft.
BPH–791211AE (new), Metropolis, Illinois, Tradewater Broadcasting Company, Inc. Req: 98.3 mHz; channel No. 252A ERP: 3 kW; HAAT: 300 ft.
BPH–800214AJ (new), Clinton, Louisiana, James D. and Sharon A. Miller. Req: 92.7 mHz; channel No. 224A. ERP: 3 kW; HAAT: 300 ft.
BPH–800318AI (new), Hart, Michigan, West Michigan Broadcasting Company. Req: 105.3 mHz; channel No. 287C. ERP: 100 kW; HAAT: 600 ft.
BPH–800514AG (new), Metropolis, Illinois, Fort Massac Broadcasting Company. Req: 98.3 mHz; channel No. 252A. ERP: 3 kW; HAAT: 190 ft.
BPH–800516AB (new), Metropolis, Illinois, Metropolis Communications, Inc. Req: 98.3 mHz; channel No. 252A. ERP: 3 kW; HAAT: 300 ft.
BPH–800516AD (new), Belpre, Ohio, Family Broadcasting Services, Inc. Req: 107.1 mHz; channel No. 296A. ERP: 2.2 kW; HAAT: 346 ft.
BPH–800519AC (new), Columbia, North Carolina, Columbia Women's Radio, Inc. Req: 105.7 mHz; channel No. 289C. ERP: 100 kW; HAAT: 256 ft.
BPH–800519AD (new), Metropolis, Illinois, PML Broadcasting Company. Req: 98.3 mHz; channel No. 252A. ERP: 3 kW; HAAT: 300 ft.
BPH–800519AF (new), Port Royal, South Carolina, Barnacle Broadcasting, Ltd. Req: 104.9 mHz; channel No. 285A. ERP: 3 kW; HAAT: 295 ft. (Allocated to Beaufort, SC.)
BPH–800519AG (new), Belpre, Ohio, Tillis Communicatns of Mid OH Vly, Inc. Req: 107.1 m Hz; channel No. 296A. ERP: 2.25 kW; HAAT: 346.5 ft.
BPH–800519AH (new), Belpre, Ohio, Belpre Broadcasting Company. Req: 107.1 m Hz; channel No. 296A. ERP: 1.3 kW; HAAT: 430 ft.
BPH–800612AC (new), Comanche, Oklahoma, Stephens County Broadcasting Company. Req: 96.7 mHz; channel No. 244A. ERP: 3 kW; HAAT: 300 ft. (Allocated to Duncan, OK.)
BPH–800616AA (new), Hart, Michigan, HJR Communications, Inc. Req: 105.3 mHz; channel No. 287C. ERP: 100 kW; HAAT: 410 ft.
BPH–800616AD (new), Caldwell, Idaho, Stelljes Broadcasting Company. Req: 103.1 mHz; channel No. 276A. ERP: 3 kW; HAAT: 285.5 ft.

[FR Doc. 80–23350 Filed 8–1–80; 8:45 am]
BILLING CODE 6712–01–M

[BC Docket No. 80–347, File No. BPH-10,747; BC Docket No. 80–348, File No. BPH-11,014]

Muskingum Broadcasting Co. and Christian Voice of Central Ohio; Applications for Construction Permit

Adopted: June 20, 1980.
Released: July 25, 1980.

In re applications of Muskingum Broadcasting Company, Zanesville, Ohio: Req: 92.7 MHz, Channel No. 224A, 3 kW (H&V), 300 feet (BC Docket No. 80–347, File No. BPH-10,747); and Christian Voice of Central Ohio, Zanesville, Ohio: Req: 92.7 MHz, Channel No. 224A, 3 kW (H&V), 300 feet (BC Docket No. 80–348, File No. BPH-11,014); Construction Permit; Hearing Designation Order; Designating Applications for Consolidated Hearing on Stated Issues.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration: (i) the above-captioned mutually exclusive applications of Muskingum Broadcasting Company (hereafter MBC) and Christian Voice of Central Ohio (hereafter CVCO) for a new FM broadcast station at Zanesville, Ohio; (ii) pleading entitled "Petitions to Deny (BPH-11014) Motion to Sepecify Issues" and "Informal Objection (Sec. 1.587) Petition to Deny (Sec. 1.580)" filed by MBC; (iii) "Motion to Dismiss" and "Petition to Specify Issues" filed by CVCO; (iv) and pleadings in opposition thereto. [1]

2. It is well established that broadcasters are given wide discretion in determing the community problems they will meet and the substance of programs to meet them, *Stone* v. *FCC*, 466 F. 2d 316, rehearing denied, 466 F. 2d 331 (D.C. Cir. 1972), and the Commission does not attempt to direct broadcasters in the selection of specific programming. Accordingly, the Commission does not prohibit noncommercial broadcast operations in the commercial part of the FM band, 43 FR 39704. In this regard, the choice of commercial or noncommercial programming generally lies within the discretion of the applicant, and the judgment exercised by a broadcast applicant regarding these matters will not be questioned unless it appears the choice is not reasonably attuned to the tastes of the residents of the proposed community of license. *Brannen and Brannen*, 42 FCC 2d 1020, 28 RR 2d 722 (1973). Congress intended to permit a licensee who was not interfering electrically with other broadcasters to survive or fail according to his ability to make his programs attractive to the public. *FCC* v. *Sanders Brothers Radio Station*, 309 U.S. 470, 475 (1940). Accordingly, MBC's objection to the programming proposal of CVCO will be denied.

4. *MBC.* Analysis of the financial data submitted by MBC reveals that $41,012 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment down payment	$9,076
Equipment payments with interest	2,280
Remaining equipment costs	16,711
Building	2,800
Miscellaneous	2,780
Operation costs (three months)	7,365
Total	41,012

MBC plans to finance construction and operation with $500.01 in existing capital, $29,499.99 in stockholder subscription agreements, and $40,000 in loans. The parties have failed to submit individual balance sheets or financial statements in compliance with paragraph 4(B) of section III. This paragraph requires each person who has agreed to furnish funds to submit a balance sheet or financial statement showing all liabilities and containing current and liquid assets; in addition the balance sheets submitted should segregate receivables and payables to show the amounts due within one year and those due after one year. Furthermore, the paragraph requires that all balance sheets or financial statements submitted must be dated. Mr. Taggart has produced evidence of a $25,000 Certificate of Deposit payable to himself on deposit with the Wayne County National Bank in Wooster, Ohio and an agency account in the same bank with funds of $11,338.50 to which he has access. However, Messrs. Eddy and Vichroski have not supplies a sufficient balance sheet to meet either their loan or subscription requirements. Also, Mr. Taggart's balance sheet is insufficient to show his ability to meet his financial obligations over the above mentioned funds. We, therefore, conclude that with the addition of $500.01 existing capital, MBC has $36,838.51 funds available to meet a requirement of at least $41,012. A limited financial issue will therefore be specified.

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[1] All three are essentially petitions to specify issues. MBC's application was tendered for filing on September 14, 1977 and appeared on public notice of cut-off effective February 17, 1978. CVCO's application was tendered for filing on February 17, 1978. Accordingly, the amendment and predesignation issue pleadings procedures of former Sections 1.522 and 1.584 of the Rules were applicable and the parties filed numberous issue and amendment pleadings. However, pursuant to the Commission's *Report and Order* in re *Revised Procedures for the Processing of Contested Broadcast Applications; Amendments of Part 1 of the Commission's Rules*, 72 FCC 2d 202, 45 RR 1220 (1979), which directed the deletion of all issue pleadings in pending cases, the matters sought to be raised by the parties in issue pleadings and amendments have been considered herein only to the extent they relate to qualifications issues specifically included in this order. Accordingly, an opportunity to raise any allegations contained in the issue pleadings which have not been discussed herein will be afforded the parties post designation pursuant to Section 1.229.

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. Accordingly, *it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to MBC:

(a) the source and availability of additional funds over and above the $36,838.51 indicated; and

(b) whether in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

2. To determine which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine in light of the evidence adduced pursuant to the foregoing issues, which of the applications, if either, should be granted.

7. *It is further ordered*, That the petitions filed by MBC and CVCO are granted to the extent indicated and are denied in all other respects.

8. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the dissues specified in this Order.

9. *It is further ordered*, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594(g) of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Jerold L. Jacobs,

Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 80-23347 Filed 8-1-80; 8:45 am]

BILLING CODE 6712-01-M

[Report No. B-10]

TV Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: August 4, 1980.

Cut-off date: September 15, 1980.

Notice is hereby given that the applications listed in the attached appendix are accepted for filing. Because the applications listed in the attached appendix are in conflict with applications which were accepted for filing and listed previously as subject to a cut-off date for conflicting applications, no application which would be in conflict with any application listed in the attached appendix will be accepted for filing.

Petitions to deny the applications listed in the attached appendix and minor amendments thereto must be on file with the Commission no later than the close of business on September 15, 1980. Any application previously accepted for filing and in conflict with any application listed in the attached appendix may also be amended as a matter of right not later than the close of business on September 15, 1980. Amendments filed pursuant to this notice are subject to the provisions of § 73.3572(b) of the Commission's Rules.

Federal Communications Commission.

William J. Tricarico,

Secretary.

BPCT-800714KH (new), Washington, D.C., Metropolitan Television, Inc. Channel 14. ERP: Vis. 5000 kW; HAAT: 539 feet.

BPCT-800714KH (new), Riverhead, New York, Morton Telecasting, Inc. Channel 55. ERP: Vis. 5000 kW; HAAT: 1197 feet.

BPCT-800714KH (new), Springfield, Missouri, Springfield Family Television, Incorporated. Channel 33. ERP: Vis. 580 kW; HAAT: 1634 feet.

FR Doc. 80-23351 Filed 8-1-80; 8:45 am]

BILLING CODE 6712-01-M

[Report No. A-14]

TV Cut-Off List; Correction

Released: August 4, 1980.

On the Public Notice released July 8, 1980, captioned *TV BROADCAST APPLICATIONS ACCEPTED FOR FILING AND NOTIFICATION OF CUT-OFF DATE* (Mimeo #33348, Report No. A-13), published in the **Federal Register** on July 10, 1980 (45 Fed. Reg. 46479), the following application was listed as subject to the August 14, 1980 cut-off date for petitions to deny and competing applications:

BPCT-800310KF (New), Richardson, Texas, Buena Vista Telecasters of Texas, Inc., Channel 23, ERP: Vis. 328 kW; HAAT: 307 feet.

Through inadvertence, the same application was again listed in the Public Notice (Mimeo #33871, Report No. A-14) released July 25, 1980, announcing television applications as being subject to a September 8, 1980, cut-off date. The latter listing was in error.

Accordingly, notice is hereby given that the above entry IS DELETED from Report No. A-14, released July 25, 1980 (Mimeo #33871).

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 80-23349 Filed 8-1-80; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 80-379, File No. BPH-790308AH; BC Docket No. 80-380, File No. BPH-79030AA]

Valley FM Radio and Louise E. Mann; Applications for New FM Station Construction Permit

In re applications of Valley FM Radio, Taft, California: Req: 103.9 MHz, Channel 280 3 kW (H&V), 261 feet (BC Docket No. 80-379, File No. BPH-790308AH); and Louise E. Mann, t/a Mann Broadcasting Co., Taft, California: Req: 103.9 MHz, Channel 280 3 kW (H&V), —155 feet (BC Docket No. 80-380, File No. BPH-790730AA); Construction Permit for a New FM Station; Hearing Designation Order; Designating Applications for Consolidated Hearing on Stated Issues.

Adopted: June 26, 1980.

Released: July 28, 1980.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications of Valley FM Radio (a California corporation) (hereinafter Valley) and Louise E. Mann, t/a Mann Broadcasting Co. (hereinafter Mann), and pleadings related thereto.[1]

[1] Valley's application was tendered for filing on March 8, 1979 and Mann's was tendered on July 30, 1979. Accordingly, the amendment and predesignation issue pleading procedures of former Sections 1.522 and 1.584 of the Commission's Rules were applicable and Valley filed a petition against Mann. However, pursuant to the Commission's *Report and Order* in re *Revised Procedures for the Processing of Contested Broadcast Applications; Amendments of Part 1 of the Commission's Rules*, 72 FCC 2d 202, 45 RR 2d 1220 (1979), the deletion of all issue pleadings in pending cases was directed. Therefore, the matters sought to be raised by Valley have not been considered herein. Accordingly, an opportunity to raise any allegations contained in the petition will be permitted post designation pursuant to Section 1.229.

2. Valley proposes independent programming while Mann proposes to duplicate some of the programming of its commonly-owned station, KTKR (AM). Therefore, evidence regarding program duplication will be admissible under the standard comparative issue. When duplicated programming is proposed, the permissible showing will be limited to evidence concerning the benefits to be derived from such proposed duplication which would offset its inefficiency. *Jones T. Sudbury*, 8 FCC 2d 360, 10 RR 2d 114 (1967).

3. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purpose of comparison, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue for the purpose of determining whether a comparative preference should accrue to one of the applicants.

4. The applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

5. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designed for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, better serve the public interest.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

6. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

7. It is further ordered, That the applicants herein shall pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually of, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Jerold L. Jacobs,

Chief, Broadcast Facilities Division.

[FR Doc. 80-23346 Filed 8-1-80; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA 626-DR]

Wisconsin Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Wisconsin (FEMA-626-DR), dated July 24, 1980, and related determinations.

DATED: July 24, 1980.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 634-7848.

NOTICE: Pursuant to the authority vested in the Director of the Federal Emergency Management Agency by the President under Executive Order 12148 effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of July 24, 1980, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Wisconsin resulting from severe storms and flooding, beginning on or about July 15, 1980, is of sufficient severity and magnitude to warrant a major-disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Wisconsin.

The time period prescribed for the implementation of Section 313(a), Priority to Certain Applications for Public Facility and Public Housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, I hereby appoint Mr. Leo C. McNamee of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following area of the State of Wisconsin to have been affected adversely by this declared major disaster.

The following counties for Individual Assistance only:

Chippewa	Eau Claire
Dunn	Pierce

No temporary housing assistance will be provided under Section 404(c), Pub. L. 93-288.

(Catalog of Federal Domestic Assistance No. 83.300, Disaster Assistance. Billing Code 6718-02)

William H. Wilcox,

Associate Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 80-23304 Filed 8-1-80; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL MARITIME COMMISSION

[Agreements Nos. 8900-14 and 8900-16]

Notice of Availability of Finding of no Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Environmental Analysis (OEA) has determined that the environmental issues relative to the referenced agreements do not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. § 4321 *et seq.* and that preparation of an environmental impact statement is not required under section 4332(2)(c) of NEPA.

Agreement No. 8900-14 modifies the 8900 Rate Agreement to provide that the member lines may, with other carriers or conferences serving inland points in Bahrain, Iran, Iraq, Kuwait, Oman, Qatar, Saudi Arabia, or the United Arab Emirates from places other than the United States, and with governmental authorities in such countries, discuss and agree upon rates, brokerage, rules, charges, or practices relating to inland transportation or the use of transportation or port facilities in such countries. Agreement No. 8900-16 would extend the authority granted to the 8900 Rate Agreement to establish through or

joint rate intermodal arrangements for an additional period of three years to December 1, 1983, beyond its present expiration date of December 1, 1980. The Office of Environmental Analysis's major environmental concern was whether these amendments would significantly increase energy usage and/or affect the quality of the air, water, noise and biological environment.

The OEA has determined that the Commission's final resolution of Agreements Nos. 8900–14 and 8900–16 will cause no significant adverse environmental effects in excess of those created by existing uses.

The environmental assessment is available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523–5725. Interested parties may comment on the environmental assessment on or before August 25, 1980. Such comments are to be filed with the Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573. If a party fails to comment within this period, it will be presumed that the party has no comment to make.

Francis C. Hurney,

Secretary.

[FR Doc. 80–23288 Filed 8–1–80; 8:45 am]

BILLING CODE 6730–01–M

Sea-Land Service, Inc.; Application for Permission to Submit Alternative Data

The Federal Maritime Commission hereby gives notice that Sea-Land Service, Inc. (Sea-Land), has filed an application with the Commission for permission to submit alternative data pursuant to 46 CFR 512.2(d).

Sea-Land proposes to submit financial data for an actual twelve-month (12) period commencing not more than fifteen (15) months prior to the filing date of general rate changes rather than fourteen (14) months as required by the Order.

In support of general rate changes, carriers are required by the Commission's General Order 11, Revised, to submit actual financial data for a twelve-month (12) period commencing not more than fourteen (14) months prior to the filing date. If the filing is within 150 days of the end of its fiscal year, this requirement may be satisfied by the submission of the carrier's General Order 11, Revised, report for its fiscal year.

Interested parties may inspect the data submitted in support of the application at the Washington, D.C., Office of the Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. Interested parties may submit comments on the application to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before August 25, 1980. A copy of any comments should also be forwarded to Sea-Land at 10 Parsonage Road, P.O. Box 900, Edison, New Jersey 08817, and the comments should indicate that this has been done.

Dated: July 29, 1980.

Francis C. Hurney,

Secretary.

[FR Doc. 80–23363 Filed 8–1–80; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Notice of Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 C.F.R. 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than August 28, 1980.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. CITICORP, New York, New York (consumer finance and insurance activities; Oklahoma): to engage through its indirect subsidiary, Citicorp Person-to-Person Financial Center, Inc., in conducting certain previously approved activities, including making or acquiring loans and other extensions of credit, secured or unsecured, for consumer and other purposes; purchasing and servicing for its own account sales finance contracts; and the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes. These activities would be conducted from an existing office in Tulsa, Oklahoma, serving the entire state of Oklahoma. This application does not affect previously approved insurance activities which will continue to be conducted from the current service area.

2. CITICORP, New York, New York (consumer finance and insurance activities; Alabama, Arizona, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Louisiana, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Texas, Utah, Virginia, and Wyoming): to engage through its indirect subsidiary, Citicorp Person-to-Person, Inc., in the marketing for and sale at retail of a consumer oriented financial information course through its subsidiaries pursuant to a license arrangement in the offices of such subsidiaries located in the twenty-seven states listed in the caption.

B. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

Rainier Bancorporation, Seattle, Washington (mortgage banking activities; Oregon and Washington): to engage, through a subsidiary known as Rainier Mortgage Company, in making or acquiring, for its own account or for the account of others, loans or other extensions of credit. These activities will be conducted from an office in Portland, Oregon, serving the state of Oregon and Clark County, Washington.

D. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, July 29, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80–23335 Filed 8–1–80; 8:45 am]

BILLING CODE 6210–01–M

Laredo National Bancshares, Inc.; Formation of Bank Holding Company

Laredo National Bancshares, Inc., Laredo, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares (less directors' qualifying shares) of The Laredo National Bank, Laredo, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than August 28, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 29, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-23337 Filed 8-1-80; 8:45 am]

BILLING CODE 6210-01-M

Stearns Agency, Inc.; Proposal To Continue To Engage in Insurance Activities

Stearns Agency, Inc., Albany, Minnesota, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's regulation Y (12 CFR 225.4(b)(2)), for permission to continue to engage in general insurance activities in a community that has a population not exceeding 5,000. These activities would be performed from offices of Applicant's subsidiary in Albany, Minnesota, and the geographic areas to be served are within a 15 mile radius of Albany, Minnesota. Such activities have been specified by the Board in § 225.4(a) of regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentatin would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 25, 1980.

Board of Governors of the Federal Reserve System, July 28, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-23336 Filed 8-1-80; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources Administration

Advisory Council and Subcommittees; Notice of Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following National Advisory bodies scheduled to meet during the month of September 1980:

Name: National Guidelines, Goals, Priorities, and Standards Subcommittee of the National Council on Health Planning and Development.

Date and Time: Thursday, September 4, 1980; 9:00 a.m.-12:00 Noon.

Place: Conference Room 337A-339A, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201. Open for entire meeting.

Purpose: The objectives of the National Guidelines, Goals, Priorities, and Standards Subcommittee are to study the experience nationwide in the public and private sectors with the adoption and/or adjustment of the National Guidelines for Health Planning and their impact and recommend changes as appropriate; study the experience of the Health Systems Agencies and State Health Planning and Development Agencies nationwide in implementation of high priority goals and sub-goals and their impact; advise the Council in identifying additional high priority goals and sub-goals; investigate and coordinate information on demonstrations underway by provider, reimbursement, regulatory, labor, industry, and community groups on sub-goals, such as those on alcoholism and prevention; study, investigate and identify research needs appropriate to the formulation, adjustment and refinement of the National Guidelines, and study and develop improved indicators to assess the impact of the Guidelines or the need for revisions; and recommend to the Council on the need for further development and/or revision of the National Guidelines.

Agenda: Consideration of further development and/or revision of standards related to CT Scanning, Obstetrical-Neonatal Care, and Short-term Psychiatric Beds; Rural Health Issues; planning for November 13 meeting in South Carolina; and time for public comment.

Name: Technology and Productivity Subcommittee of the National Council on Health Planning and Development.

Date and Time: Thursday, September 4, 1980, 3:00 p.m.-5:00 p.m.

Place: Conference Room 403-405, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201. Open for entire meeting.

Purpose: The objective of the Technology and Productivity Subcommittee is to advise the full Council on matters related to the productivity of the health care delivery system and to the implications of new medical technology for the organization, delivery and equitable distribution of health care services. "Technology" includes the drugs, devices and medical and surgical procedures used in medical care and the organizational and supportive systems within which such care is delivered. "Productivity" is the efficiency with which health care is delivered.

The Subcommittee is to deliberate and to make recommendations to the full Council on matters chosen from among those brought to it by Council members, HHS staff and advisory committees, other Federal departments, congressional committees and staff, provider groups and the public at large. The Subcommittee in addition will study and investigate the current needs for assistance of HSAs and SHPDAs in the area of evaluating productivity improvement and new medical technology, help transmit concerns of HSAs and SHPDAs to appropriate Federal agencies, and review the current resources both within the Federal Government and among the educational, research and other developmental agencies for providing needed assistance to HSAs and SHPDAs. In addition, it will review technology assessment activities within the Department in order to assure they are relevant to the needs of the HSAs and are useful in the development and implementation of national standards, goals, and guidelines, and for the establishment of priorities with those goals.

Agenda: Follow-up of "Productivity and Health" study; future directions and priorities for the Subcommittee; and time for public comment.

Name: Implementation and Administration Subcommittee of the National Council on Health Planning and Development.

Date and Time: Thursday, September 4, 1980; 5:00 p.m.–7:00 p.m.
Place: Conference Room 423–425, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201. Open for entire meeting.
Purpose: The objective of the Implementation and Administration Subcommittee is to study and make recommendations on the implementation and administration of Titles XV and XVI of the Public Health Service Act. Specific areas for the Subcommittee's consideration are (1) the impact of HHS's implementation/administration on the effectiveness of Health Systems Agencies and State Health Planning and Development Agencies; (2) the effectiveness of the interrelationships between health planning agencies and HHS, Central and Regional Offices; (3) the timing and strategy of implementation and of the dissemination and distribution of regulatory and technical material; (4) how to better meet the needs of HSAs and SHPDAs; and (5) the review of the Council's responsibilities under section 1122 of the Social Security Act.
Agenda: Future discussion of a report on "Consumer Participation in Health Planning"; review of 1122 cases; future direction and priorities for Subcommittee; planning for November 13 meeting in South Carolina; and time for public comment.
Name: National Council on Health Planning and Development.
Date and Time: Friday, September 5, 1980; 8:45 a.m.–3:30 p.m.
Place: Auditorium, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201. Open for entire meeting.
Purpose: The National Council on Health Planning and Development is responsible for advising and making recommendations with respect to (1) the development of national guidelines under section 1501 of Public Law 93–641, (2) the implementation and administration of Title XV and XVI of Public Law 93–641, and (3) an evaluation of the implications of new medical technology for the organization, delivery and equitable distribution of health care services. In addition, the Council advises and assists the Secretary in the preparation of general regulations to carry out the purposes of section 1122 of the Social Security Act and on policy matters arising out of the implementation of it, including the coordination of activities under that section with those under other parts of the Social Security Act or under other Federal or federally assisted health programs. The Council considers and advises the Secretary on proposals submitted by the Secretary under the provisions of section 1122(d)(2) that health care facilities or health maintenance organizations be reimbursed for expenses related to capital expenditures notwithstanding that under section 1122(d)(1) there would otherwise be exclusion of reimbursement for such expenses.
Agenda: Status reports from the Administrator, Health Resources Administration, Director, Bureau of Health Facilities, and Director, Bureau of Health Planning; discussion of future direction of the Council, including linkages with other HHS Councils, the Institute of Medicine, its strengthening policy role, and its subcommittee changes; a report by Michael Pollard from the Federal Trade Commission on "Overview of Federal Trade Commission and Health Planning Issues"; Subcommittee reports, National Guidelines, Goals, Standards and Priorities, Chairperson, Dr. Emmerson Ward; Implementation and Administration, Chairperson, Mr. Walter McNerney; and Technology and Productivity, Chairperson, Dr. Philip Caper; and plans for November 13–14 meeting in South Carolina; dates and locations for 1981 meetings; and time for public comment.

Anyone requiring information regarding the subject Council should write to or contact Mrs. S. Judy Silsbee, Executive Secretary, National Council on Health Planning and Development, Health Resources Administration, Room 10–27, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782. Telephone (301) 436–7175.

Agenda items are subject to change as priorities dictate.

Dated: July 29, 1980.

Irene D. Skinner,

Advisory Committee Management Officer, HRA.

[FR Doc. 80-23286 Filed 8-1-80; 8:45 am]

BILLING CODE 4110-83-M

Office of the Secretary

National Advisory Committee on the White House Conference on Families and National Task Force of the White House Conference on Families; Meeting

The White House Conference on Families was called by President Carter to, "examine the strengths of American families, the difficulties they face, and the ways in which family life is affected by public policies."

The National Advisory Committee on the White House Conference on Families was established to advise the Secretary, the Chair of the Conference, and the Conference staff on matters pertaining to the Conference, including the development, implementation and execution of overall plans and procedures for the Conference.

The National Task Force of the White House Conference on Families, composed of members of the National Advisory Committee, fifty-five elected representatives of the states and territories, and twenty-two at-large delegates, was created to insure accountability of the Conference recommendations in the final report to the President and the Congress. The report will identify and highlight areas of agreement among the recommendations adopted at the Baltimore, Minneapolis, and Los Angeles Conferences and report areas where the Conferences did not agree on specific recommendations or issues. The National Task Force will be bound by the results of the three Conferences and may not introduce any new issues or alter the decisions of the White House Conferences.

In accordance with Public Law 92–463, notice is hereby given of a meeting of the National Advisory Committee/National Task Force to be held on August 19–21, 1980, in the Hubert H. Humphrey Building at 200 Independence Avenue, SW., Washington, D.C. 20201. Plenary sessions will be held in Room 800 on August 19 and 20 and in the auditorium on August 21. Information concerning locations in the Humphrey Building of subgroup meetings will be available at the plenary locations.

The preliminary agenda of the National Advisory Committee/National Task Force Meeting follows.

August 19

11:00–12:15 p.m.—National Advisory Committee Meeting Preparation for National Task Force Meeting.
1:30–2:30 p.m.—National Task Force Opening Session Welcome—Administration Representative National Task Force Mandate—Jim Guy Tucker Review of Procedures Questions.
2:45–5:15 p.m.—Topic Sessions (4).
5:15–7:00 p.m.—Dinner Break.
7:15–9:15 p.m.—Topic Sessions (4).

August 20

8:30–9:30 a.m.—Breakfast. Review of Reports from Topic Sessions.
9:30–1:00 p.m.—Plenary with Box Lunch.
1:30–3:30 p.m.—Discussion of Advocacy and Implementation Strategies (in 4 groups).
3:30–4:15 p.m.—Report on Advocacy and Implementation Discussions.
5:00–6:00 p.m.—Closing Reception.

August 21

9:00–12:00 Noon—National Advisory Committee Meeting Review of Outline for Final Report Advocacy and Implementation Strategies.

All sessions will be open to the public; however, seating capacity will be limited.

Further information on the meetings may be obtained from the White House Conference on Families at 330 Independence Avenue, SW., Washington, D.C. 20201; telephone number: 202–245–6073.

Dated: July 25, 1980.

John L. Carr,

Executive Director.

[FR Doc. 80-23297 Filed 8-1-80; 8:45 am]

BILLING CODE 4110-12-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

Decided: July 29, 1980.

In our decisions of May 13, 20, 27, June 3, 10, 17, 24, July 1, 8, 15, and 22, 1980, a 13-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figures set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 13.5-percent. We are authorizing that the 13-percent surcharge for this traffic remain in effect, and that all owner-operators are to receive compensation at this level.

In our July 15 decision, we stated that while we have normally increased the surcharge when the index indicated a one-half percent increase, we were maintaining the present 13-percent level. At the time, the best information available to us indicated there was a surplus of diesel fuel, and some price reductions across the country. Accordingly, we decided to test the weekly figures to see if there was some aberration. The $1.14.1 price level has held for the past three weeks. However, we have decided for this week to hold the surcharge at the 13-percent level. If the price starts to increase, we will adjust the surcharge in subsequent weekly decisions.

No change is authorized in the 2.3-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not utilizing owner-operators, the 1.3-percent surcharge for United Parcel Service, nor in the 5.0-percent surcharge authorized for the bus carriers.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by delivering a copy to the Director, Office of the Federal Register for publication therein.

It is ordered:

This decision shall become effective Friday 12:01 a.m. August 1, 1980.

By the Commission. Chairman Gaskins, Vice-Chairman Gresham, Commissioners Stafford, Clapp, Trantum, Alexis, and Gilliam.

Agatha L. Mergenovich,
Secretary.

Appendix.—Fuel Surcharge

Base date and price per gallon (including tax)

January 1, 1979 ..... 63.5¢

Date of current price measurement and price per gallon (including tax)

July 28, 1980 ..... 114.1

	Transportation performed by—			
	Owner operator [1] (1)	Other [2] (2)	Bus carrier (3)	UPS (4)
Average percent: Fuel expenses (including taxes) of total revenue..	16.9	2.9	6.3	3.3
Percent surcharge developed.....	13.5	2.3	5.0	[3]2.1
Percent surcharge allowed	13.0	2.3	5.0	[4]1.3

[1] Apply to all truckload rated traffic.
[2] Including less-than-truckload traffic.
[3] The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to the UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).
[4] The developed surcharge figure is reduced 0.8 percent to reflect fuel related increases already included in UPS rates.

[FR Doc. 80-23324 Filed 8-1-80; 8:45 am]
BILLING CODE 7035-01-M

[Docket No. AB-1 (Sub-No. 74F)]

Chicago and North Western Transportation Co.—Abandonment—Between Ellis and Mitchell, S.D.; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and Decision decided July 2, 1980, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of employees discussed in *Oregon Short Line R. Co.-Abandonment Goshen*, 360 I.C.C. 91 (1979), and further that C&NW shall keep intact all of the right-of-way underlying the track, including all the bridges and culverts, for a period of 120 days from the effective date of the certificate and decision to permit any state or local government agency or other interested party to negotiate the acquisition for public use of all or any portion of the right-of-way, the present and future public convenience and necessity permit the abandonment by the Chicago and North Western Transportation Company of a line of railroad known as the Mitchell-Ellis line extending from railroad milepost 65.5 near Ellis to milepost 130.7 near Mitchell, a distance of 65.2 miles, in Minnehaha, McCook, Hanson, and Davison Counties, SD. A certificate of public convenience and necessity permitting abandonment was issued to the Chicago and North Western Transportation Company. After an investigation was instituted, the requirement of § 1121.38(a) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** to made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I § 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served on or before August 19, 1980. The offer, as filed, shall contain information required pursuant to § 1121.38(b)(2) and (3) of the regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective September 18, 1980.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-23330 Filed 8-1-80; 8:45 am]
BILLING CODE 7035-01-M

[Docket No. AB-156 (Sub-No. 7F)]

Delaware and Hudson Railway Co.—Abandonment—in the Towns of Thurman and Warrensburg, N.Y.; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by an Certificate and Decision decided July 2, 1980, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of employees discussed in *Oregon Short Line R. Co—Abandonment Goshen*, 360 I.C.C. 91 (1979), and further that applicant shall keep intact all of the right-of-way underlying the track, including all the bridges and culverts for a period of 120 days from the effective date of the certificate and decision to permit any state or local government agency or other interested party to negotiate the acquisition for public use of all or any portion of the right-of-way, the present and future public convenience and necessity permit the abandonment by the Delaware and Hudson Company of a line of railroad known as the Warrensburg Branch extending from railroad milepost MP A 72.50 (Valuation Station 0+00) in the Town of Thurman to MP A 75.92

(Valuation Station 178+77) in the Town of Warrensburg, a distance of 3.39 miles in Warren County, NY. A certificate of public convenience and necessity permitting abandonment was issued to the Delaware and Hudson Railway Company. After an investigation was instituted, the requirement of § 1121.38(a) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served on or before August 19, 1980. The offer, as filed, shall contain information required pursuant to § 1121.38(b)(2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective September 18, 1980.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-23329 Filed 8-1-80; 8:45 am]

BILLING CODE 7035-01-M

Long-and-Short-Haul Application for Relief (Formerly Fourth Section Application)

July 30, 1980.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. on or before August 19, 1980.

No. 43847, Southwestern Freight Bureau, Agent (No. B-80), rates on barite (barytes), from Lumtie, MO on the MP, to stations in Louisiana and Texas, also Kemmerer and Opal, WY, as published in Supplement 17 to its Tariff ICC SWFB 4318-A, scheduled to become effective September 1, 1980. Grounds for relief—market competition.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-23331 Filed 8-1-80; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register.** One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-45

The following applications were filed in Region 1.

Send Protests to: Complaint/Authority Center, I.C.C. 150 Causeway Street, Room 501 Boston, MA 02114.

MC 93147 (Sub-1-5TA), filed: July 21, 1980. Applicant: DELTA TRANSPORT CORPORATION, 840 Union Street, West Springfield, MA 01089. Representative: James M. Burns, 1383 Main Street—Suite 413, Springfield, MA 01089. *Paper and Paper Articles and Equipment, Materials and Supplies used in the Manufacture, Sale and Distribution of Paper and Paper Articles,* between Franklin County, VT and points in the contiguous 48 states, restricted to traffic originating at the named origins or destined to the named destinations. Supporting shipper: Fonda/Royal Lace Group, Division of Saxon Industries, Inc., St. Albans, VT.

Correction—Republication

MC 150686 (Sub-1-1TA), filed: July 30, 1980. Refiled July 22, 1980. Applicant: ELTON M. HARVEY TRUCKING, INC., 671 Eighth Street, Secaucus, New Jersey 07094. Representative: Herbert S. Zischkau, III, Arsham & Keenan, 277 Park Avenue, New York, New York 10172. *Commodities which because of size or weight require the use of special equipment, factory equipment or contractor's equipment.* Between points in NJ, NY and PA on the one hand, and, on the other, points in AL, AZ, AR, CA, CT, DC, DE, FL, GA, IL, IN, IA, KY, LA, MA, MD, MI, MN, MS, MO, NC, NJ, NM, NY, OH, OK, PA, RI, SC, TN, TX, VA, WV and WI. Supporting shippers: Casale Industries, Inc., Garwood NJ; Foster Wheeler Energy Corp, Livingston, NJ: Wing Company, Cranford, NJ. This corrects **Federal Register** Publication of July 14, 1980 on pg. 472255.

MC 151331 (Sub-1-1TA), filed July 21, 1980. Applicant: JAMES RENALDO and GAY ROSE RENALDO, d.b.a. KAI MOTOR FREIGHT, P.O. Box 69, Mount Royal, NJ 08061. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Petroleum distillate, cleaning compounds, chemicals and textile softeners, except in bulk, and on return materials, supplies and equipment used in the manufacturing, packaging and sales thereof, except in bulk from Philadelphia, PA and New York, NY Commercial Zones, and Waterbury, CT, on the one hand, and on the other, points in the United States except AK and HI. Supporting shippers: Laurel Products Corp., 2600 E. Tioga Street, Philadelphia, PA 19134.

MC 151211 (Sub-1-1TA), filed July 21, 1980. Applicant: TABLOID SHIPPERS, INC., 1101 Tonnele Avenue, North Bergen, NJ 07047. Representative: William J. Augello, Esq., Augello, Pezold & Hirschmann, P.C., 120 Main Street, P.O. Box Z, Huntington, NY 11743. *Contract carrier* by motor vehicle over irregular routes, transporting: *Printed matter,* from Strasburg, VA to CA and NV, for the account of Consumers Distributing Co. Supporting shipper: Consumers Distributing Co., Edison, NJ.

MC 145981 (Sub-1-5TA), filed July 16, 1980. Applicant: ACE TRUCKING CO., INC., 1 Hackensack Ave., South Kearny, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Waste materials, waste fiber, synthetic fiber, materials, equipment, and supplies used in the manufacture and sale of the foregoing commodities (except commodities in bulk),* between points in MA, on the one hand, and, on

the other, points in GA, MD, IL, CA, FL, TN, MO, PA, MN, TX, SC, NY, and NJ. Supporting shippers: Pellon Corporation, 221 Jackson St., Lowell, MA 01852.

MC 145981 (Sub-1–6TA), filed July 16, 1980. Applicant: ACE TRUCKING CO., INC., 1 Hackensack Ave., South Kearny, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07034. *Paint, painting and paint products, and materials, equipment, and supplies used in the manufacture and sale of the foregoing commodities (except commodities in bulk),* between points in NJ and the New York, NY Commercial Zone, on the one hand, and, on the other, points in CA, GA, FL, IL, IN, MO, NC, OH, SC, TN, and TX. Supporting shippers: Norton Paint Company, 5th Street, Bayonne, NJ.

MC 151093 (Sub-1–7TA), filed July 18, 1980. Applicant: J. T. L. INC., 49 Rosedale Street, Providence, Rhode Island 02903. Representative: Ronald N. Cobert, Esquire, 1730 M Street NW, Suite 501, Washington, D.C. 20036. *Contract carrier:* irregular routes. *Steel and Steel articles,* between Dallas, TX, on the one hand, and, on the other, points in AL, CA, CO, CT, FL, GA, IL, IN, KY, MA, MD, MI, MO, MS, NJ, NY, NC, OH, OR, PA, RI, SC, WA, under continuing contract or contracts with Associated Spring Barnes Group, Inc. Supporting shipper: Associated Spring Barnes Group, Inc.

MC 113843 (Sub-1–10TA), filed July 21, 1980. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, MA 02210. Representative: Lawrence T. Sheils, 316 Summer Street, Boston, MA 02210. (1) *Foodstuffs,* (2) *Materials, supplies and equipment used in the manufacture and distribution of commodities in (1).* From points in NH to points in AL, AR, CT, DE, FL, GA, IA, IL, IN, LA, KY, MA, MD, ME, MI, MN, MO, MS, OH, NJ, NY, NC, PA, RI, SC, TN, VA, VT, WI, WV and DC. Supporting shipper: Johnston Inc., Somerworth, NH.

MC 145829 (Sub-1–9TA), filed July 21, 1980. Applicant: ETI CORP., P.O. Box 1, Keasbey, NJ 08832. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier:* irregular routes. *Carpet, Carpet Padding, and materials, equipment, and supplies used in the manufacture, sale, and installation of Carpet and Carpet Padding (except commodities in bulk),* between Trenton and Camden, NJ and Philadelphia and Eddystone, PA, on the one hand, and, on the other, points in MD, DE, VA, NJ, NY, PA, CT, MA, RI, and DC. Supporting shipper(s): General Felt Industries, Park 30 Plaza West—One, Saddle Brook, NJ 07662.

MC 138304 (Sub-1–6TA), filed July 21, 1980. Applicant: NATIONAL PACKERS EXPRESS, INC., 1600 Clinton Street, Hoboken, NJ 07030. Representative: Craig B. Sherman, Attorney at Law, Broad and Cassel, Barnett Bank Building, 1108 Kane Concourse, Bay Harbor Islands, FL 33154. *Malt beverages (except in bulk) and malt beverages dispensing equipment,* from New York, NY, Hoboken and Neward, NJ, Philadelphia, PA, Wilmington, DE, to points in WV. Supporting shipper: Van Munching & Co., Inc. of New York, 51 West 51 Street, Room 3715, New York, NY 10019.

MC 151330 (Sub-1–1TA), filed July 22, 1980. Applicant: ANGEL TOURS INCORPORATED, 880 Oradell Avenue, Oradell, NJ 07649. Representative: Betty Cogliser, 880 Oradell Avenue, Oradell, NJ 07649. *Passengers and their baggage in the same vehicle in charter operations* between Bloomfield, Hackensack, NJ, Manhattan in New York City, NY, and Word of Life Fellowship, Inc. at Schroon Lake, NY. Support by: Word of Life Fellowship, Inc., Schroon Lake, NY.

MC 142114 (Sub-1–1TA), filed July 22, 1980. Applicant: RETAIL EXPRESS, INC., 9 Stuart Road, Chelmsford, MA 01824. Representative: Frank M. Cushman, 36 South Main Street, Sharon, MA 02067. Contract carrier, irregular routes, such commodities as are dealt in by retail department stores (except commodities in bulk and frozen foodstuffs) from to or between points in New Jersey, New York, Ohio, Pennsylvania, and Virginia. (Supporting shipper: Jamesway Corporation, Secaucus, NJ.)

MC 138861 (Sub-1–10TA), filed July 22, 1980. Applicant: C-LINE, INC., Tourtellot Hill Road, Chepachet, RI 02814. Representative: Ronald N. Cobert, Esquire, Suite 501, 1730 M Street NW., Washington, DC 20036. *General commodities* (except household goods as defined by the Commission and Classes A and B explosives), between Alexandria, VA, Baltimore, MD, the District of Columbia, New York, NY, the Counties of Anne Arundel, Baltimore, Howard, Montgomery, and Prince Georges, MD, the Counties of Bergen, Camden, Essex, Gloucester, Hudson, Middlesex, Passaic and Union, NJ, the Counties of Nassau, Rockland, and Westchester, NY, the Counties of Delaware, Montgomery, and Philadelphia, PA, and the Counties of Arlington and Fairfax, VA, on the one hand, and, on the other, points in FL. Restriction: The operations sought herein are restricted to the transportation of shipments moving on bills of lading of freight forwarders. (Supporting shipper: C-Line Forwarding, Inc.)

MC 128343 (Sub-1–11TA), filed July 22, 1980. Applicant: C-LINE, INC., Tourtellot Hill Road, Chepachet, RI 02814. Representative: Ronald N. Cobert, Esquire, Suite 501, 1730 M Street NW., Washington, DC 20036. *Contract carrier, irregular routes, malt beverages* and material, equipment and supplies used in the manufacture, sale or distribution of malt beverages, between Merrimack, NH, Newark, NJ, Columbus, OH, and Williamsburg, VA, on the one hand, and, on the other, Providence, RI. Restriction: The operations described herein are restricted to movements operating under a continuous contract or contracts with McLaughlin & Moran, Inc. (Supporting shipper: McLaughlin & Moran, Inc.)

MC 146589 (Sub-1–2TA), filed July 22, 1980. Applicant: REGIONAL TRANSPORTATION COMPANY, INC., 600 Secaucus Road, Secaucus, New Jersey 07094. Representative: Herbert S. Zischkau III, Arsham & Keenan, 277 Park Avenue, New York, New York 10172, (212) 759–1000. *Contract carrier:* irregular routes: *such commodities as are dealt in or used by toy and variety stores.* From Cincinnati, OH to Secaucus, NJ, under continuing contracts with Toys "R" Us, Inc. Supporting shipper: Toys "R" Us, Inc., 395 Passaic Street, Rochelle Park, NJ 07662.

MC 28478 (Sub-1–2TA), filed July 22, 1980. Applicant: GREAT LAKES EXPRESS COMPANY, 114 Fifth Avenue, New York, NY 10011. Representative: G. G. Heller, 114 Fifth Avenue, New York, NY 10011. Extension of applicant's present common carrier operating authority to transport general commodities, except those of unusual value, classes A and B explosives, household goods, commodities in bulk, and those requiring special equipment, serving as off-route points in connection with applicant's authorized regular routes points in the counties of Lapeer, Macomb, St. Clair, Sanilac and Tuscola MI. Applicant intends to tack proposed authority to its existing routes, and also intends to interline with other carriers at all points authorized to it. Supporting shippers: Twelve.

Note.—Common control may be involved.

MC 151341 (Sub-1–1TA), filed July 22, 1980. Applicant: ALDERSHOT CARRY-ALL SERVICE LIMITED, P.O. Box 70, Burlington, Ontario, Canada L7R 3X8. Representative: John W. Ester, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013, Area Code (313) 645–9600. *Contractor's equipment, heavy machinery and such commodities which, because of size or weight,*

require the use of special equipment, and related machinery parts and related contractor's materials and supplies when their transportation is incidental to the transportation of commodities which because of size or weight require the use of special equipment; and *(2) self-propelled articles, each weighing 15,000 pounds or more, and related machinery, tools, parts and supplies moving in connection therewith, on trailers;* between ports of entry on the International Boundary Line between the United States and Canada on the Niagara River, on the one hand, and, on the other hand, points in MD, NJ, NY, OH, PA, VA and WV. Supporting shippers: Dresser Industries Canada Ltd., Cambridge, Ontario, Canada; Despatch Industries Ltd., Ontario, CD; Wheelabrator Corp. of Canada Ltd., Milton, Ontario, CD; Provincial Engineering Ltd., Niagara Falls, Ontario, CD.

MC 120477 (Sub-1–1TA), filed July 22, 1980. Applicant: INTERNATIONAL TRANSPORT, INC., 435 C Street, Boston, Massachusetts 02210. Representative: William J. Lippman, Steele Park, Suite 330, 50 South Steele Street, Denver, Colorado 80209. *General commodities* (except Classes A and B explosives) between points in the New York, NY Commercial Zone. Supporting shipper: Puerto Rican Forwarding Co., Inc., Boston, MA; European Container Service Corp., New York, NY; New England Forwarding Co., Inc., Jersey City, NJ.

MC 141533 (Sub-1–8TA), filed July 23, 1980. Applicant: LYN TRANSPORT, INC., 37 North Central Avenue, Elmsofrd, NY 10532. Representative: Bruce J. Robbins, Esq., Robbins & Newman, P.C., 118–21 Queens Boulevard, Forest Hills, NY 11375. Commodities as are dealt in or used by chain grocery stores and food business houses (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, between the New York, NY, Commercial Zone, on the one hand, and, on the other, the New Haven, CT, Commercial Zone. There are approximately two (2) shipper statements. Supporting shippers: (1) Herman Cantor Co., Richmond, Va., (2) Orleans International, Detroit, MI.

MC 148863 (Sub-1–1TA), filed July 23, 1980. Applicant: LONG SHOT EXPRESS, INC., 1 Hackensack Ave., South Kearny, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Conveyors, and materials, equipment, and supplies used in the manufacture, sale, and installation of conveyors (except commodities in bulk),* between the facilities of Hewitt Robbins Conveyor Equipment Corp., Division of Litton Systems Inc., at or near Passaic, NJ, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper(s): Hewitt Robbins Conveyor Equipment Corp., Division of Litton Systems, Inc., 270 Passaic Ave., Passaic, NJ 07055.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 140902 (Sub-3TA), filed June 24, 1980. Republication—originally published in **Federal Register** of 7/9/80, Page 46231, volume 45, No. 133. Applicant: DPD, INC., 3600 N.W. 82nd. Ave., Miami, FL 33166. Representative: Dale A. Tibbets (same address as applicant). *Contract:* irregular; (1) *Tires, tire parts, inner tube parts, and wheels, and* (2) *equipment, materials, and supplies used in the manufacture and distribution of the commodities in part (1) (except commodities in bulk).* Between points in the states of CA, IL, IA, and TN, under a continuing contract(s) with the Firestone Tire & Rubber Co. of Akron, OH. Supporting shipper: The Firestone Tire & Rubber Co., 1200 Firestone Parkway, Akron, OH 44317.

MC 111856 (Sub-3–2TA), filed June 16, 1980. Republication—originally published in **Federal Register** of 7–9–80, Page 46231, volume 45, No. 133. Applicant: CHOCTAW TRANSPORT, INC., 800 Bay Bridge Rd., Prichard, AL 36610. Representative: George M. Boles, 727 Frank Nelson Bldg., Birmingham, AL 35203. *Paper, paper products, wood pulp, plastic and plastic articles, plastic lined metal containers, metal containers and metal container ends, and equipment, materials, and supplies used in the manufacture and distribution of paper and paper products, wood pulp, plastic and plastic articles (except commodities in bulk), plastic lined metal containers, metal containers and metal container ends.* Between all points in AL, GA, MS, and FL. Supporting shippers: 1. Moore Business Forms, Inc., P.O. Box 97, Heflin, AL; 2. Scott Paper Co., Scott Plaza II, Philadelphia, PA 19113; 3. Weyerhaeuser Co., 100 S. Wacker Dr., Chicago, IL 60606; 4. Lily Div. of Owens-Illinois, P.O. Box 1035, Toledo, OH 43666; and 5. American Can Co., P.O. Box 1699, Meridian, MS 39301.

Note.—Interlining is requested at Mobile & Birmingham, AL; Meridian & Jackson, MS; Augusta, GA; Miami, FL; and any other point at which interline concurrences can be effected.

MC 143540 (Sub-3–5TA), filed July 18, 1980. Applicant: MARINE TRANSPORT COMPANY, Post Office Box 2142, Wilmington, NC 28402. Representative: Ralph McDonald, Attorney at Law, Post Office Box 2246, Raleigh, NC 27602. *Contract* carrier: Irregular: *General commodities (except those of unusual value, commodities in bulk, classes A and B explosives, commodities requiring special equipment and household goods as defined by the Commission)* (1) from points in the U.S. to Wilmington, NC and Virginia Beach, VA and (2) between Wilmington, NC and Virginia Beach, VA. Supporting shipper(s): Behring Shipping Company, 19 Rector Street, New York, NY 10006.

MC 107515 (Sub-3–40TA), filed July 18, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, Esq., 3390 Peachtree Road, N.E., 5th Floor-Lenox Towers South, Atlanta, GA 30326. *General Commodities with the usual exceptions* between facilities of Charlotte Freight Association and Greater Atlanta Shippers Association at or near Charlotte, NC and Atlanta, GA, on the one hand, and, on the other, facilities of Charlotte Freight Association and Greater Atlanta Shippers Association at or near Miami and Tampa, FL; Chicago, IL; Minneapolis, MN; Dallas, TX; and Milwaukee, WI. Supporting shipper: Charlotte Freight Association, P.O. Box 8825, Charlotte, NC 28208.

MC 113861 (Sub-3–1TA), filed July 17, 1980. Applicant: WOOTEN TRANSPORTS, INC., 153 Gaston Ave., Memphis, TN 38106. Representative: James N. Clay III, 2700 Sterick Bldg., Memphis, TN 38103. *Liquefied petroleum gas, in shipper-owned trailers,* from W. Memphis, AR to points in AL, FL, GA, KY, LA, MS, MO, NC, SC, TN and VA; and Jeffersonville, IN. Supporting shipper: Phillips Petroleum Co., 842 Adams Bldg., Bartlesville, OK 74004.

MC 116254 (Sub-3–12TA), filed July 17, 1980. Applicant: CHEM-HAULERS, INC., P.O. Box 339, Florence, AL 35631. Representative: Mr. M. D. Miller (same address as above). *Phosphorous Acid,* in tank vehicles, from Mt. Pleasant, TN to Los Angeles, CA and Orange County, CA. Supporting shipper: Stauffer Chemical Company, Westport, CT 06880.

MC 117427 (Sub-3–1TA), filed July 16, 1980. Applicant: G. G. PARSONS TRUCKING, CO., P.O. Box 1085, N. Wilkesboro, NC 28659. Representative: Dean N. Wolfe, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. *Furniture* from Sumter, SC to points in WA, OR, MT, and ID. Supporting shipper: Sumter Cabinet Company, 2455 West Harvard Blvd., Roseburg, OR 97470.

MC 151116 (Sub-3–1TA), filed July 17, 1980. Applicant: KENNETH D.

MATTHEWS, d.b.a. FARM FRESH FOODS, 1010 N. 6th Ave., P.O. Box 40362, Nashville, TN 37204. Representative: Lawrence C. Goddard, Suite 303, Music Park Office Bldg., 107 Music City Circle, Nashville, TN 37214. *Contract* carrier: irregular: *Frozen foods, fresh foods, processed, canned dried, dehydrated or liquid foods and foodstuffs and equipment, machinery or manufactured products used in preparation, service, or storage of food and foodstuffs of all kinds and condiments* between commissary's and restaurant facilities of Shoneys, Inc., and between all facilities of Shoney's, Inc. and facilities Shoney's Inc., suppliers in the U.S. Supporting shipper: Shoney's Inc., 1727 Elm Hill Pike, Nashville, TN.

MC 151294 (Sub-3–1TA), filed July 17, 1980. Applicant: GEORGIA COURIER CORPORATION, P.O. Box 11228, 1024 Avon Ave. S.W., Atlanta, GA 30310. Representative: W. Pitts Carr, 2620 Equitable Bldg., Atlanta, GA 30303. *Non-negotible Commercial papers, documents and written instruments as used in banks and banking institutions, including, but not limited to cash letters and supportive or related documents as will give import to said cash letters, and to include Demand Deposit Accounting and all records to give support to said Demand Deposit Accounting,* between Highland, NC on the one hand and on the other Commerce, GA. Supporting shippers: Carolina Mountain Bank, P.O. Box 1479 Highland, NC, and Financial Computer Services, Inc., P.O. Box 438, Commerce, GA 30529.

MC 138609 (Sub-3–1TA), filed July 17, 1980. Applicant: ROBERT L. ARNOLD, d.b.a. PLANTATION TRANSPORT COMPANY, 1122 W. Oglethorpe Avenue, P.O. Box 1171, Albany, GA 31702. Representative: Robert L. Arnold (same address as above). *Treated and untreated lumber, plywood and particalboard,* from points in Stewart, Morgan, Early and Dougherty Counties, GA to points in AL, NC, SC, FL, GA, TX, MS, KY, LA, TN and VA and back to Atlanta, GA from same. Supporting shippers: SPF Lumber Company, P.O. Box 82898, Atlanta, GA 30354; Atlanta Wood Remanufacturing Co., Sampler Way, Atlanta, GA and D&D Wood Preserving, Inc., P.O. Box 1802, Albany, GA 31702.

MC 145408 (Sub-3–1TA), filed July 17, 1980. Applicant: WILLIAMS CARTAGE COMPANY, INC., P.O. Box 897, Hartsville, SC 29550. Representative: Robert L. McGeorge, 2550 M Street NW., Suite 520, Washington, DC 20037. *Dry fertilizer (except in pneumatic vehicles),* between points in GA, NC, VA and SC, on the one hand, and, on the other, points in GA, NC, VA, SC, FL, TN and WV. Supporting shipper: W. R. Grace & Co., P.O. Box 368, Wilmington, NC 28402.

MC 11220 (Sub-3–6TA), filed July 17, 1980. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, TN 38101. Representative: James J. Emigh, P.O. Box 59, Memphis, TN 38101. *General commodities* (with the usual exceptions) between the facilities of Plastic Clad Corp., at or near Pinson, AL, on the one hand, and, on the other, points in AL, AR, CO, GA, IA, IL, IN, KS, KY, LA, MI, MN, MO, MS, NE, NM, NY, OH, OK, PA, TN, TX, WI, and WV. Supporting shipper: Plastic Clad Corp., 120 Cleage Drive, Pinson, AL.

MC 151125 (Sub-3–1TA), filed June 24, 1980. Republication—originally published in **Federal Register** of 7/9/80, Page 46231, volume 45, No. 133. Applicant: MOBILE BAY ENTERPRISES, INC., 8461 Airport Boulevard, Mobile, AL 36608. Representative: R. S. Richard, P.O. Box 2069, Montgomery, AL 36197. *Passengers and their baggage,* between Mobile Municipal Airport-Bates Field, Mobile, AL, on the one hand, and Harrison, Jackson and George Counties, MS, and Escambia, Okalaosa and Santa Rosa Counties, FL, on the other hand. Restriction: Passengers served in any one vehicle at any one time shall not exceed 15. Supporting shippers: City of Mobile, AL, P.O. Box 1827, Mobile, AL 36609, and Mobile Airport Authority, 307 E. Delwood Drive, Mobile, AL.

MC 143594 (Sub-3–5TA), filed June 27, 1980. Applicant: NATIONAL BULK TRANSPORT, INC., 624 Holcomb Bridge Road, Suite 13, Roswell, GA 30075. Representative: Patrick M. Byrne, P.O. Box 2298, Green Bay,WI 54306. *Chemicals, in bulk,* from the facilities of GAF Corporation at or near Texas City, TX to points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. Supporting shipper: GAF Corporation, 1361 Alps Road, Wayne, NJ 07470.

MC 151260 (Sub-3–1TA), filed July 24, 1980. Applicant: B & P TRUCK LINES, INC., 103 S. Wingate Lane, Chattanooga, TN 37403. Representative: Daniel O. Hands, Attorney at Law, 205 West Touhy Avenue, Suite 200, Park Ridge, IL 60068. Such commodities *as are dealt in or used by discount department stores and grocery stores* (except commodities in bulk), between Chattanooga, TN on the one hand, and, on the other, points in the United States in and east of MN, IA, MO, AR and TX, restricted to the transportation of traffic either originating at or destined to Chattanooga, TN. Supporting shippers: Sherra's Sweets, Chattanooga, TN; Lookout Beverages, Inc., Chattanooga, TN; Brock Candy Company, Chattanooga, TN; Kitchen Fresh, Inc., Chattanooga, TN; Lusk-Fresh Pack Candy Company, Davenport, IA.

MC 118831 (Sub-3–4TA), filed July 24, 1980. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 7007, High Point, NC 27264. Representative: Ben H. Keller III, (same address as applicant). *Liquid chemicals,* in bulk, in tank vehicles, from Stevens Point, WI and Chicago, IL to points in AL and SC. Supporting shipper: Chemax, Inc., P.O. Box 6067, Station B, Greenville, SC 29606.

MC 151355 (Sub-3–1TA), filed July 24, 1980. Applicant: SOUTH CENTRAL EXPRESS, INC., 2009 S. Division St., Orlando, FL 32805. Representative: H. Neil Garson, 3251 Old Lee Highway, Fairfax, VA 22030. *(1) Paper and paper products, plastic articles and (2) materials and supplies used in the manufacture, sale, or distribution of (1) above, except commodities in bulk.* Between the facilities utilized by International Paper Co., its subsidiaries and its affiliates on the one hand, and on the other, points in the States east of ND, SD, NB, CO, and NM. Supporting shipper: International Paper Co., 220 E. 42nd St., New York, NY 100017.

MC 151355 (Sub-3–2TA), filed July 24, 1980. Applicant: SOUTH CENTRAL EXPRESS, INC., 2009 S. Division St., Orlando, FL 32805. Representative: H. Neil Garson, 3251 Old Lee Highway, Fairfax, VA 22030. *General commodities (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment).* When moving on freight forwarders bills of lading of Acme Fast Freight, Inc. under part IV of the Interstate Commerce Act, from Boston, MA, New York, NY, North Bergen, NJ, Philadelphia, PA, and Chicago, IL to points in FL. Supporting shipper: Acme Fast Freight, Inc., 2335 New Hyde Rd., New Hyde Park, NY 10040.

MC 56799 (Sub-3–3TA), filed June 11, 1980. Applicant: CLAXON TRUCK LINE, INC., P.O. Box 678, Frankfort, KY 40602. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. Authority sought to operate as a *common carrier,* by motor vehicle over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Frankfort, KY and Cincinnati, OH. From Frankfort, KY over U.S. Hwy 60 to junction with

U.S. Hwy 25 and/or I–75, then over U.S. Hwy 25 and/or I–75 to Cincinnati, OH, and return over the same route, serving all intermediate points except those between the junction of U.S. Hwy 25 and/or I–75 with KY Hwy 32, and Cincinnati, OH. The authority sought herein will be tacked with applicant's existing authority and interlined at Cincinnati, OH and Louisville, KY. 51 shippers have filed Certificates of Support.

MC 138736 (Sub-3–1TA), filed April 29, 1980. Republication—Originally published in **Federal Register** of 05–19–80, Page 32801, Volume 45, No. 98. Applicant: F B M TRUCKING, INC., Hwy 54 E., P.O. Box 513, Fayetteville, GA 30214. Representative: Dorothy Meatows (same as applicant). *Shears steel working machine; plate or sheet metal bending; machine parts; machine knives* from plant site of Wysond & Miles Co. at or near Greensboro, NC to plant sites of Meyer Machinery, Los Angeles, CA, Redwood City, CA, Phoenix, AZ, and Las Vegas, NV, with return shipments over the same route. Supporting shipper: Meyer Machinery Co., 2528 S. Santa Fe Ave., Los Angeles, CA 90058.

MC 148283 (Sub-3–2TA), filed: July 24, 1980. Applicant: ABC TRANSPORTATION COMPANY, State Docks Rd., Eufaula, AL 36027. Representative: W. W. "Whit" Riley (same address as above). *Contract* carrier: irregular: *Lumber, plywood, particleboard, hardboard and wood paneling,* between points in CA, ID, MT, OR, WA, and WY on the one hand, and, on the other, points in the U.S. (except AK and HI) under a continuing contract(s) with Intermountain-Orient, Inc., of Boise, Idaho. Supporting shipper: Intermountain-Orient, Inc., P.O. Box 4297, Boise, ID 83704.

MC 121664 (Sub-3–21TA), filed: July 24, 1980. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, Alabama 36460. Representative: W. E. Grant, 1702 1st Ave. S., Birmingham, Alabama 35233. *Clay, concrete, glass, or stone products, and materials and supplies used in the manufacture thereof,* between points in and east of ND., SD., NE., CO., and NM. Restricted for the account of the Dickey Companies. Supporting shipper: The Dickey Company, P.O. Box 6, Pittsburg, Kansas 66762.

MC 148283 (Sub-3–3TA), filed: July 24, 1980. Applicant: ABC TRANSPORTATION COMPANY, State Docks Road, Eufaula, Alabama 36027. Representative: W. W. Riley, State Docks Road, Eufaula, Alabama 36027. *Contract* carrier: irregular: (1) *prefabricated metal buildings, knocked-down,* (2) *parts and accessories for the commodities in (1) above; and* (3) *materials, equipment, and supplies (except in bulk), used in the manufacture, sale and assembly of the commodities in (1) above,* between the facilities of Mid-West American, Inc. at or near Houston, Harris County, Texas, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Mid-West American, Inc., of Houston, Texas. Supporting shipper: Mid West American Steel Building Company, Houston, TX.

MC 151348 (Sub-3–1TA), filed: July 23, 1980. Applicant: J. D. TRANSPORTS, INC., P.O. Box 179, Memphis, TN 38101. Representative: John Paul Jones, P.O. Box 3140, Front Street Station, 189 Jefferson Avenue, Memphis, TN 38103. *General commodities (except household goods as defined by the Commission and Classes A and B explosives)* between Cook County, IL and Shelby County, TN. Supporting shipper: Montgomery Ward and Co., Inc., Chicago, IL.

MC 147942 (Sub-3–2TA), filed July 23, 1980. Applicant: M & L TRUCK LINE, INC., P.O. Box 358, Memphis, TN 38101. Representative: John Paul Jones, P.O. Box 3140, Front Street Station, 189 Jefferson Avenue, Memphis, TN 38103. *Non-exempt food or kindred products,* between points in Fulton County, GA; Cook County, Macon County, and Peoria County, IL; Lim County, IA; KS; DeSoto County, MS; Dallas and Tarrant, TX. Supporting shipper: Flavorite Laboratories, Inc., Born Lake, MS 38637.

MC 56679 (Sub-3–19TA), filed June 3, 1980. Applicant: BROWN TRANSPORT CORP., 352 University Ave., SW., Atlanta, GA 30310. Representative: David L. Capps, P.O. Box 6985, Atlanta, GA 30315. *Foodstuff* (except in bulk) from the facilities of Stokely-Van Camp at or near Indianapolis, IN to points in AL, TN, and KY. Supporting shipper: Stokely-Van Camp, Inc., P.O. Box 1113, Indianapolis, IN 46206.

MC 150388 (Sub-3–2TA), filed July 22, 1980. Applicant: BOSS TRANSPORTATION CO., INC., P.O. Box 40977, Memphis, TN 38104. Representative: R. Connor Wiggins, Jr., Suite 909, 100 N. Main Bldg., Memphis, TN 38103. *Paper board boxes* from (1) Poplar Bluff (Butler County), MO, to Chicago (Cook County), IL; Norwalk (Huron County), OH; Boston and Charlestown (Suffolk County), MA; Woburn (Middlesex County), MA; Philadelphia (Philadelphia County), PA; West Reading (Berks County), PA; Montrose (Montrose County), CO; Clarksville (Mecklenburg County), VA; Marion (Marion County), SC; Cookeville (Putnam County), TN; Lincoln (Lancaster County), NE; Fort Worth (Tarrant County), TX; and (2) from Quincy (Adams County), IL; to Norwalk (Huron County), OH; Boston and Charlestown (Suffolk County), MA; Woburn (Middlesex County), MA; Philadelphia (Philadelphia County), PA; West Reading (Berks County), PA; Montrose (Montrose County), CO; Clarksville (Mecklenburg County), VA; Marion (Marion County), SC; Cookeville (Putnam County), TN; Lincoln (Lancaster County), NE; and Fort Worth (Tarrant County), TX. Supporting shipper: Ward Paper Box Company, 3150 Chrysler Road, Kansas City, KS 66155.

MC 112520 (Sub-3–6TA), filed July 22, 1980. Applicant: MCKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, FL 32302. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Sulphur Dioxide, in shipper owned trailers,* from Baton Rouge, LA, to Jacksonville, FL. Supporting shipper: Stauffer Chemical Company, Nyala Farms Road, Westport, CT 06880.

MC 146646 (Sub-3–23TA), filed July 22, 1980. Applicant: BRISTOW TRUCKING CO., INC., P.O. Box 6355A, Birmingham, AL 35217. Representative: James W. Segrest (same as above). *General commodities (except classes A and B explosives, motor vehicles, household goods defined by the Commission and those requiring special equipment),* between Columbus, OH on the one hand, and, on the other points in the U.S. (except AK and HI). Supporting shipper: Franklin Chemical Industries, Inc., P.O. Box 07802, Columbus, OH 43207.

MC 115654 (Sub-3–16TA), filed July 22, 1980. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Jackie Hastings (same as above). *Foodstuffs (except in bulk),* from the facilities of Anderson Clayton Foods at or near Jacksonville, IL, to points in AL, AR, GA, IN, KY, LA, MS, MO, OH, TN, Kansas City, KS, and that part of MI on and south of MI Hwy. 21. Supporting shipper: Anderson Clayton Foods, P.O. Box 226165, Dallas, TX 75266.

MC 151336 (Sub-3–1TA), filed July 22, 1980. Applicant: TRANS-IT-ALL, INC., P.O. Box 711, Palmetto, FL 33561. Representative: William A. Vickers, 2204 5th St., West, Palmetto, FL 33561. *General commodities* having a prior or subsequent movement by rail, between Tampa, FL and points in the state of FL. Supporting shippers: Tropicana Product Sales, Inc., P.O. Box 338, Bradenton, FL; Southern Agricultural Insecticides, Inc.,

Palmetto, FL; Palmetto Canning Co., Palmetto, FL.

MC 75840 (Sub-3–7TA), filed July 23, 1980. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, AL 35202. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326. *Synthetic plastics, chemicals, mud treating compounds, and related articles,* between Salisbury, NC, on the one hand, and, on the other, points in NY, NJ, PA, MD, OH, DE, WV, DC, SC and GA. Supporting shipper: Proctor Chemical Co., P.O. Box 399, Salisburg, NC 28146.

MC 148183 (Sub-3–8TA), filed July 23, 1980. Applicant: ARROW TRUCK LINES, INC., P.O. Box 432, Gainesville, GA 30503. Representative: Mrs. Pauline E. Myers, Registered ICC Practitioner, Suite 348, Pennsylvania Bldg., 425 13th Street, NW., Washington, D.C. 20004. *Malt beverages and empty beverage containers* from Detroit, MI to NC, SC, FL, TN, and VA. Supporting shipper: The Stroh Brewery Company, One Stroh Drive, Detroit, MI 48226.

MC 65697 (Sub-3–2TA), filed July 22, 1980. Applicant: THEATERS SERVICE COMPANY, P.O. Box 1695, Atlanta, GA 30301. Representative: Paul W. Smith (same as above). *Department store supplies and merchandise* between the facilities of Rich's at or near Stone Mountain, GA and points in AL, KY, MS, SC, and TN. Supporting shipper: Rich's, 4401 Sarr Parkway, Stone Mountain, GA 30083.

MC 144688 (Sub-3–9TA), filed July 21, 1980. Applicant: READY TRUCKING, INC., 2717 Campbell Blvd., Ellenwood, GA 30049. Representative: Lavern R. Holdeman, 521 S. 14th St., Suite 500, P.O. Box 81849, Lincoln, NE 68501. *Such merchandise as is dealt in or used by department stores (except in bulk),* between the facilities of Rich's Department Store, A Division of Federated Department Stores, Inc., at or near Stone Mountain, GA, on the one hand, and on the other, points in AL, AR, KY, LA, MS, NC, OK, SC, TN and TX. Supporting shipper: Rich's Department Store, a Div. of Federated Dept. Stores, Inc., Box 4539, Atlanta, GA 30302.

MC 75840 (Sub-3–6TA), filed July 21, 1980. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, AL 35202. Representative: Frank D. Hall, Postell & HAll, P.C., Suite 713, 3384 Peachtree Rd., NE., Atlanta, GA 30326. *Kyanite Ore,* having a prior or subsequent movement by water, between Little River, GA, and Savannah, GA. Supporting shipper: C. E. Industrial Products Combustion Engineering, Inc., P.O. Box 838, Valley Forge, PA 19482.

MC 52704 (Sub-3–6TA), filed July 21, 1980. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H", LaFayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. *Steel drums or kegs,* between the facilities of Miller Brewing Company in Forsyth or Rockingham Counties, NC, on the one hand, and on the other, the facilities of Firestone Steel Products Co. at or near Spartanburg, SC. Supporting shipper: Miller Brewing Company, Milwaukee, WI 53201.

MC 151056 (Sub-3–4TA), filed April 21, 1980. Applicant: SUPER SERVICE, INC., 319 Auburn Avenue, Somerset, KY 42501. Representative: George M. Catlett, Attorney-at-Law, Suite 708, McClure Bldg., Frankfort, KY 40601. *Such commodities as are dealt in by wholesale grocery houses,* between the facilities of Somerset Foods, Inc., at or near Somerset, KY, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Somerset Foods, Inc., P.O. Box 799, Somerset, KY 42501.

MC 146659 (Sub-3–2TA), filed July 21, 1980. Applicant: GOLDSTON TRANSFER, INC., P.O. Box 1059, Eden, NC 27288. Representative: Archie W. Andrews (same address as applicant). *Shipping devices and related paraphernalia,* between points in DE, FL, GA, MD, NJ, NC, SC, TN, and VA. Supporting shipper: Swan Products Co., 13712 Princess Anne Way, Phoenix, MD 21131.

MC 151056 (Sub-3–3TA), filed July 21, 1980. Applicant: SUPER SERVICE, INC., 319 Auburn Avenue, Somerset, KY 42501. Representative: George M. Catlett, Attorney-at-Law, Suite 708, McClure Bldg., Frankfort, KY 40601. *Mulch and animal bedding, and materials, equipment and supplies used in the manufacture, sale, and distribution of mulch and animal bedding,* between the facilities of Super South Fibers, Inc. at or near Somerset, KY, on the one hand, and, on the other, points and places in the U.S. in and east of WI, IL, KY, TN, and MS. Supporting shipper: Super South Fibers, Inc., P.O. Box 812, Somerset, KY 42501.

MC 144069 (Sub-3–9TA), filed July 21, 1980. Applicant: FREIGHTWAYS, INC., P.O. Box 5204, Charlotte, NC 28225. Representative: W. T. Trowbridge (same address as applicant). *Vehicles other than self propelled, and iron, steel, aluminum, plastic or rubber articles.* Between Rockingham County, NC, on the one hand and on the other points in and east of MS, TN, KY, IL and WI. Supporting shipper: Beta Systems, Inc., P.O. Box 1709, Reidsville, NC

MC 148183 (Sub-3–7TA), filed July 21, 1980. Applicant: ARROW TRUCK LINES, INC., P.O. Box 432, Gainesville, GA 30503. Representative: Pauline E. Myers, ICC Registered Practitioner, Suite 348, Pennsylvania Bldg., Pennsylvania and 13th Street, Washington, D.C. 20004. *Meat, Meat Products, Meat By-Products* from points in the US (except AK and HI), to Jarratt, VA. Supporting shipper: Old Dominion Beef, Inc., P.O. Box 277, Jarratt, VA 23867.

MC 109708 (Sub-3–8TA), filed July 21, 1980. Applicant: INDIAN RIVER TRANSPORT COMPANY, INC., P.O. Box AG, Dundee, FL 33838. Representative: John J. Harned (same address as applicant). *Rum in bulk, in tank vehicles,* from West Palm Beach, FL to Scobeville, NJ. Supporting shipper: "21" Brands, Inc., 75 Rockefeller Plaza, New York, NY 10019.

MC 138157 (Sub-25TA), filed July 22, 1980. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, P.O. Box 9596, Chattanooga, TN 37412. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), from the facilities of A. J. Fritz & Co. in Seattle, WA to points in the United States in and east of MT, WY, CO, and NM. Restriction: Restricted to traffic originating at the facilities of A. J. Fritz & Co. Supporting shipper: A. J. Fritz & Co., 1306 2nd Avenue, Room 210, Seattle, WA 98101.

MC 113874 (Sub-3–1TA), filed July 22, 1980. Applicant: GILBERT TRANSFR COMPANY, Friendship Ledford Road, P.O. Box 12687, Winston-Salem, NC 27107. Representative: A. W. Flynn, Jr., 314 Eugene Street, P.O. Box 180, Greensboro, NC 27402. *Contract carrier,* irregular routes; *corrugated boxes and paper displays, knocked down,* from Winston-Salem, NC to points in GA. Supporting shipper: Southern Corrugated Box Corporation, P.O. Box 12069, Winston-Salem, NC 27107.

MC 141187 (Sub-3–2TA), filed July 22, 1980. Applicant: BLUFF CITY TRANSPORTATION, INC., P.O. Box 18391, Memphis, TN 38118. Representative: Wallace A. Knerr, P.O. Box 18391, Memphis, TN 38118. *Contract carrier,* irregular routes; *such commodities as are dealt in by manufacturers and distributors of pharmaceutical and medical supplies, foods and products,* from Cleveland, MS;

Mountain Home, AR; Hays, KS; Kingstree, SC; Eaton, OH; Round Lake, IL; North Cove, ND and Memphis, TN to points in the U.S. (except AK and HI), under a continuing contract(s) with Travenol Laboratories, Inc. Supporting shipper: Travenol Laboratories, Inc., 6301 Lincoln Avenue, Morton Grove, IL 60053.

MC 146646 (Sub-3–22TA), filed July 22, 1980. Applicant: BRISTOW TRUCKING CO., INC., P.O. Box 6355A, Birmingham, AL 35217. Representative: James W. Segrest, P.O. Box 6355A, Birmingham, AL 35217. *Plastic cases and cassettes,* between the facilities of Filam National Plastics, Inc. located at Los Angeles, CA and points in the U.S. in and east of ND, SD, NE, KS, OK and TX. Supporting shipper: Filam National Plastics, Inc., 416 W. El Segundo Blvd., Los Angeles, CA 90061.

MC 138279 (Sub-3–1TA), filed July 21, 1980. Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 968, Jackson, TN 38301. Representative: Charles W. Teske (address same as applicant). *Contract* carrier: irregular: *Endless Chain grade stokers* and *materials, accessories,* and *parts,* used in the installation thereof from Monroe, MI to Columbus, OH under continuing contract or contracts with Babcock & Wilcox, 20 S. Van Burean Ave., Barberton, OH 44203.

MC 107515 (Sub-3–41TA), filed July 21, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, Esq., 3390 Peachtree Road, N.E., 5th Floor, Lenox Towers South, Atlanta, GA 30326. *General commodities, with the usual exceptions* between facilities of Charlotte Freight Association and Greater Atlanta Shippers Association at or near Charlotte, NC and Atlanta, GA, on the one hand, and, on the other, facilities of Charlotte Freight Association and Greater Atlanta Shippers Association at or near Boston, MA; New York, NY and points in its commercial zone; and Philadelphia, PA. Supporting shipper: Charlotte Freight Association, P.O. Box 8825, Charlotte, NC 28208.

MC 138308 (Sub-3–10TA), filed July 22, 1980. Applicant: KLM, INC., P.O. Box 6098, Jackson, MS 39208. Representative: Robert L. McArty, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)* between points in the U.S. (except AK and HI) restricted to traffic originating at or destined to facilities owned or utilized by General Telephone & Electronic Corporation and its wholly owned subsidiaries (including, but not limited to, GTE Products Corporation, GTE Automatic Electric Incorporated, GTE Lenkurt Incorporated, GTE Telephone Directory Company and the General Telephone Companies). Supporting shipper: General Telephone & Electronics Corporation, One Stamford Forum, Stamford, CT 06904.

MC 141145 (Sub-3–3TA), filed July 22, 1980. Applicant: REYNOLDS & COMPANY, INC., One Railroad Ave., P.O. Box 227, Waynesboro, GA 30830. Representative: Thomas L. Reynolds (same as applicant). *General commodities,* having a prior, immediate, or subsequent movement by rail TOFC service, between Augusta, GA, on the one hand, and, on the other, points in Richmond, Columbia, Burke, Jefferson, Glascock, Warren, McDuffie, Lincoln, Screven, Jenkins, Emanuel, Washington, Hancock, Taliaferro, Wilkes, Bullock, Candler, Treutlen, Johnson, Baldwin, Putnam, Greene, Oglethorpe, Elbert, Effingham, Chatham, Evans, Tattnall, Toombs, Montgomery, Wheeler, Laurens, Wilkinson, Jones, Jasper, Morgan, Oconee, Clarke, Madison, and Hart Counties, Georgia, and Edgefield, Aiken, Barnwell, McCormick, Allendale, Abbeville, Jasper, Hampton, Beaufort, Colleton, Dorchester, Bamberg, Barnwell, Orangeburg, Calhoun, Sumter, Saluda, Lexington, Greenwood, Richland, Newberry, Anderson, Laurens, Fairfield, Chester, Union, Spartanburg, Greenville, and Kershaw, Counties, South Carolina. Supporting shipper(s): Kaiser Agricultural Chemicals, P.O. Box 343, Waynesboro, Georgia 30830 and Thiele Kaolin Company, P.O. Box 337, Wrens, Georgia 30833.

The following protests were filed in Region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 110988 (Sub-4–47TA), filed July 23, 1980. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Avenue, Appleton, WI 54911. Representative: Patrick M. Byrne, P.O. Box 2298, Green Bay, WI 54306. (1) *Lard oil* from Neville Island, PA to points in MA, NJ, OH, MI, IN, and IL; and (2) *Materials and supplies* from Westminster, OH to Bristol, PA. Supporting shipper: Mayco Oil and Chemical, Inc., 2901 Grand Avenue, Neville Island, PA 15225.

MC 1718 (Sub-4–3TA), filed July 23, 1980. Applicant: ALFRED FLATEGRAFF d.b.a. GARDNER TRUCK LINES, P.O. Box 22, Pine, River, Minnesota 56474. Representative: Stanley C. Olsen, Jr., Gustafson & Adams, P.A., 7400 Metro Boulevard, Suite 411, Edina, Minnesota 55435. *(1) Wooden spools, wooden reels, wooden reel heads and wooden cooperage, and (2) materials, equipment and supplies and accessories used in the manufacture and installation of the commodities named in (1) above,* between the facilities of Durkee Manufacturing Co., Inc., at or near Pine River, MN, on the one hand, and, on the other, points in AZ and CA. Supporting shipper: Durkee Manufacturing Co., Inc., P.O. Box 67, Pine River, Minnesota 56474.

MC 150527 (Sub-4–4TA), filed July 24, 1980. Applicant: TLX, INC., P.O. Box 2278, Hessville, IN 46323. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Furnaces, House heating, hot air,* from the facilities of Applied Air Systems, Inc. at St. Paul, MN to all points in U.S. (except AK and HI). "An underlying ETA seeks 120 days authority." Supporting shipper: Applied Air Systems, Inc., 2475 Doswell Avenue, St. Paul, MN 55108.

MC 128270 (Sub-4–3TA), filed July 25, 1980. Applicant: REDIEHS INTERSTATE, INC., 1477 Ripley Street, Lake Station, IN 46405. Representative: Richard A. Kerwin, 180 North La Salle Street, Chicago, IL 60601. *Iron and steel articles* from Clinton, IA to points in AR, IL, IN, KS, KY, LA, MI, MO, OK, TN and TX. Supporting shipper: Allied Structural Steel, 90 1st Avenue, Clinton, IA 52732.

MC 146880 (Sub-4–7TA), filed July 25, 1980. Applicant: LOWELL E. DENTON, d.b.a. DENTON CARTAGE COMPANY, P.O. Box 40, Palos Park, IL 60464. Representative: Anthony E. Young, 29 South LaSalle Street, Chicago, IL 60603. (1) *Iron of steel, plate, sheet or strip* from points in IL, IN, MI, OH and PA to Watertown and Milwaukee, WI; and (2) *Fabricated metal and sheet metal shell* from Watertown, WI to points in IL, IN, MI, OH, Baltimore, MD and Memphis, TN. Supporting shipper: Watertown Metal Products, Division of Western Industries, Inc., 1141 10th St., Watertown, WI 53094.

MC 135410 (Sub-4–8TA), filed July 25, 1980. Applicant: COURTNEY J. MUNSON d.b.a. MUNSON TRUCKING, North 6th St. Rd., Monmouth, IL 61462. Representative: Jack H. Blanshan, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. *Meats and packinghouse products* (except commodities in bulk) from Chicago, IL and points in its commercial zone to the facilities of Armour-Dial, at Ft. Madison, IA and points in its commercial zone.

Supporting shipper: Armour-Dial, Inc. Greyhound Tower, Phoenix, AZ 85077.

MC 114829 (Sub-4–2TA), filed July 24, 1980. Applicant: GENERAL CARTAGE COMPANY, INC., West Route 30, Rock Falls, IL 61071. Representative: Bernard J. Kompare, Suite 1600, 10 S. LaSalle Street, Chicago, IL 60603. *Contract;* irregular; *Tinplate* N.O.I., from the facilities of Ball Metal Decorating and Service Division, located in Chicago, IL, to the facilities of Container Corporation of America, located in Maplewood, MO, under contract(s) with Container Corporation of America. Underlying ETA seeks 120 days authority. Supporting shipper: Container Corporation of America, 500 E. North Ave., Carol Stream, IL 60187.

MC 144121 (Sub-4–5TA), filed July 24, 1980. Applicant: LARRY'S EXPRESS, INC., 720 Lake Street, Tomah, WI 54660. Representative: James A. Spiegel, Esq., 6425 Odana Road, Madison, WI 53719. *Heating units, and materials, equipment and supplies used in the maufacture of such commodities* between Lansdale, PA, and points in IL, IN, MN, OH, and WI. An underlying ETA seeks 120 days authority. Restriction: restricted to shipments originating or terminating at the facilities of Quaker Stove Co., Inc., or its customers or suppliers. Supporting shipper: Quaker Stove Co. Inc., 200 W. 5th St., Lunsdale, PA 19446.

MC 142268 (Sub-4–3TA), filed July 24, 1980. Applicant: GORSKI BULK TRANSPORT, INC., R.R. No. 4, Harrow, Ontario, Canada N0R1G0. Representative: William H. Shawn, 1730 M Street, NW., Suite 501, Washington, DC 20036. *Latex, and materials and supplies used in the manufacture, production, and distribution of latex,* (1) between Monaca, PA, Chattanooga, TN, and ports of entry on the International Boundary line between the U.S. and Canada, located in MI and NY and, (2) between the points described in (1), on the one hand, and points in the U.S. (except AL and HI) on the other. Supporting shipper: Polysar, Ltd., Sarnia, Ontario, Canada.

MC 119767 (Sub-4–3TA), filed July 23, 1980. Applicant: BEAVER TRANSPORT CO., P.O. Box 1000, Lake Bluff, IL 60044. Representative: John R. Sims, Jr., 425 13th Street NW., Washington, DC 20004. *Such commodities as are dealt in by grocery and food business houses, drugstores and retail department stores* (except commodities in bulk), and *materials, equipment and supplies* used in the conduct of such businesses (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from Oak Creek, WI to IL, IN, IA, KS, KY, MI (except the Upper Peninsula thereof), MN, MO, NE, ND, OH, SD. An underlying ETA seeks 120 day authority. Supporting shipper: PPG Industries, Inc., 10800 South 13th Street, Oak Creek, WI 53154.

MC 145487 (Sub-4–1TA), filed July 24, 1980. Applicant: SMITH TRUCK BROKERAGE, INC., P.O. Office Box 974, Willmar, MN 56201. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. *Candy and confectionery products* from the facilities of Deran Confections, East Boston, MA, to Willmar, MN, under continuing contract or contracts with Willmar Cookie Company, Willmar, MN. Supporting shipper: Willmar Cookie Company, Willmar, MN.

MC 151350 (Sub-4–1TA), filed July 24, 1980. Applicant: LARRY PEDERSOM TRUCKING. INC., 301 St. Paul Avenue, Box 24, Fulda, MN 56131. Representative: Stanley C. Olsen, Jr., Gustafson & Adams, P.A., 7400 Metro Boulevard, Suite 411, Edina, MN 55435. *Fertilizer, farm chemicals, feed and feed ingredients, and materials and supplies used in connection therewith,* between Murray County, MN, on the one hand, and, on the other, points in IA, MO and NE. Supporting shippers: Farmers Cooperative Commission Company, Fulda, Minnesota 56131; Fulda Cooperative Oil Company, Fulda, Minnesota 56131.

MC 105159 (Sub-4–2TA), filed July 23, 1980. Applicant: KNUDSEN TRUCKING, INC., 1320 W Main St., Red Wing, MN 55066. Representative: Stephen F. Grinnell, 1000 First National Bank Bldg., Minneapolis, MN 55402. *Plastic foam insulation,* from Pevely, MO to New Hope, MN. Supporting shipper: White, Inc., 4700 Qubec Ave., N., New Hope, MN 55428.

MC 127049 (Sub-4–1TA), filed July 23, 1980. Applicant: KRUEPKE TRUCKING, INC., 2881 Hwy. 45, Jackson, WI 53037. Representative: Richard C. Alexander, 710 N. Plankinton Ave., Milwaukee, WI 53203. *Contract;* irregular; *Foodstuffs, and materials, equipment, and supplies used or useful in the manufacture, sale production, or distribution of foodstuff,* between the facilities of Libby, McNeill & Libby, Inc., on the one hand, and, on the other, points in the U.S. (except AK and HI). An underlying ETA seeks 120 days authority. Supporting shipper: Libby, McNeil & Libby, Inc., 200 S. Michigan Avenue, Chicago, IL 60604.

MC 146969 (Sub-4–5TA), filed July 24, 1980. Applicant: STAN KOCH & SONS TRUCKING, INC., 4901 Excelsior Boulevard, St. Louis Park, MN 55416. Representative: Stanley C. Olsen, Jr., Gustafson & Adams, P.A., 7400 Metro Boulevard, Suite 411, Edina, MN 55435. *Tires, batteries, and oil,* from Oklahoma City, OK and Dallas and Waco, TX, to points in IA, KS, MN, MO, NE, ND, SD, and WI. Supporting shipper: Mid-States Distributing Company, Inc., 548 South Snelling Avenue, St. Paul, MN 55116.

MC 15975 (Sub-4–10TA), filed July 24, 1980. Applicant: BUSKE LINES, INC., 123 W. Tyler Ave., Litchfield, IL 62056. Representative: Howard H. Buske (same address as applicant). (1) *Containers, container ends, and container closures, and (2) materials, equipment and supplies* used in the manufacture or distribution of the commodities in (1), between points in the U.S. (except AK and HI), for 270 days. Restricted to traffic originating at or destined to the facilities of Crown Cork & Seal Co. An underlying ETA seeks 120 days authority. Supporting shipper(s): Crown Cork & Seal Co., Inc., 9300 Ashton Rd., Philadelphia, PA 19136.

MC 105045 (Sub-4–7TA), filed July 24, 1980. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, IN 47731. Representative: George H. Veech, same as above. *Iron and steel articles* between Liberty Steel Company, Dallas and Tarrant Counties, TX and Jackson, Little Rock, Gentry and Newport, AR; Morgan City, Monroe and Shreveport, LA; Kansas City, Elkhart, Columbus and St. Louis, MO. Albuquerque, Hobbs, Great Bend, Topeka, Marysville, Garden City, Salina, Wichita, Pratt, Atchinson, Winfield, Archer City, Arkansas City and Kansas City, KS; Cushing, Tulsa, Enid, Oklahoma City, Durant, Sand Springs, Muskogee, Madil, Hugo, Boise City, Sayre and Woodward, OK. An underlying ETA seeks 120 days authority. Supporting shipper: Liberty Steel Company, Dallas, TX.

MC 51146 (Sub-4–54), filed July 25, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same address as applicant). *Steel products* from Elk Grove Village, IL to Bridgeport and Stratford, CT. Supporting shipper: National Material Corporation, 2525 Arthur Avenue, Elk Grove Village, IL 60007.

MC 110988 (Sub-4–48), filed July 25, 1980. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Avenue, Appleton, WI 54911. Representative: Patrick M. Byrne, P.O. Box 2298, Green Bay, WI 54306. *Crude tall oil* from Nekoosa, WI to Rock Falls, IL. Supporting shipper: Nekoosa Papers, Inc., Port Edwards, WI 54469.

MC 141781 (Sub-4–5TA), filed July 22, 1980. Applicant: LARSON TRANSFER AND STORAGE CO., INC., 10700

Lyndale Avenue South, P.O. Box 877, Minneapolis, MN 55440. Representative: George L. Hirschbach, P.O. Box 417, Sioux City, IA 51102. *Cabinets and merchandise used in the manufacture of cabinets,* between Red Wing, MN and all points in the states of IL, IN, IA, KS, MI, MO, NE, ND, SD, & WI. Supporting shipper: Riviera Kitchens, Post Office Box 338, Industrial Park, Red Wing, MN 55066.

MC 143488 (Sub-4–1TA), filed July 22, 1980. Applicant: LAUREN L. DYE, d.b.a. LAUREN L. DYE & SON TRUCKING, 10342 South 400 West, Union Mills, IN 46382. Representative: Bruce R. Bancroft, Sixth Floor—First Bank Bldg., South Bend, IN 46601. *Contract,* Irregular; *Malt beverages and empty bottles.* (1) Between the Stroh Brewing Company facility in Detroit, MI, on one hand, and, on the other, the Brumm Distributing Co., Inc. facility in Highland, IN. Supporting shipper: Brumm Distributing Co., Inc., 2552 Industrial Drive, Highland, IN 46322. An underlying ETA seeks 120 days authority.

MC 149137 (Sub-4–3TA), filed July 22, 1980. Applicant: MASTER TRANSPORT SERVICES, INC., 5000 Wyoming Avenue—Suite 203, Dearborn, MI 48126. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Claim Shores, MI 48080. *Cleaning compounds, fabric softeners, shoe dressings, toilet preparations, and dyes,* from the facilities of Knomark, Inc. at/or near Jamaica, NY, to Atlanta, GA; Chicago, IL; Detroit, MI; Cleveland, OH; Dallas, TX; Los Angeles, CA; Savannah, GA; Memphis, TN; Denver, CO; and Minneapolis, MN. Supporting shipper: Knomark, Inc., 132–20 Merrick Blvd., Jamaica, NY 11357.

MC 118696 (Sub-4–23TA), filed July 22, 1980. Applicant: FERREE FURNITURE EXPRESS, INC., 252 Wildwood Road, Hammond, IN 46234. Representative: John F. Wickes, Jr., 1301 Merchants Plaza, Indianapolis, IN 46204. *Phonographs, stereos and accessorial parts thereto, television sets, microwave ovens, and materials, equipment and supplies* (except in bulk), used in the manufacture and distribution of such commodities, between points in and east of the states of ND, SD, NE, KS, OK, and TX, on the one hand, and, on the other, the facilities of Toshiba America, Inc., at Lebanon and Nashville, TN. Supporting shipper: Toshiba America, Inc., 1420 Toshiba Drive, Lebanon, TN 37087.

MC 99888 (Sub-4–1TA), filed July 22, 1980. Applicant: MAYFIELD TRANSFER CO., INC., 3200 West Lake Street, Melrose Park, IL 60160. Representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, IL 60603. *General commodities (except in bulk),* from the facilities of DAP, Inc. at Michigan City, IN to points in IL, north and east of Interstate Hwy 74 and those in WI on and south of a line from Lake Michigan over US Hwy 151 to Madison, WI and US Hwy 51 to the WI-IL State line. Supporting shipper: DAP, Inc. 12900 S. Crawford Avenue, Alsip, IL 60658.

MC 149404 (Sub-4–4TA), filed July 22, 1980. Applicant: POTAWATOMI TRAILS, INC., 51585 Winding Waters Lane, Elkhart, IN 46514. Representative: Paul D. Borghesani, Suite 300, Communicana Building, 421 So. Second Street, Elkhart, IN 46514. *Tools and hardware* between the facilities utilized by Fastec Industrial Corp., at or near Elkhart, IN; Lakeville, CO; Clearwater, Daytona and Sanford, FL; Charlotte, NC; Muscle Shoals, AL; Selingsgrove, PA; and Los Angeles, San Diego and Walnut, CA. Supporting shipper: Fastec Industrial Corporation, 23348 County Road # 6, Elkhart, IN 46514.

MC 149284 (Sub-4–1TA), filed July 23, 1980. Applicant: MARION D. DAY, d.b.a. DAY'S EXPRESS, 1942–7th Street, Columbus, IN 47201. Representative: Stephen M. Gentry, 1502 Main Street, Speedway, IN 46224. *Such commodities as is dealt in by retail and wholesale grocery houses, department stores, drug stores and hardware stores* from the facilities of Colgate-Palmolive Company at or near Jeffersonville, IN to points in CA, NV and OR. An underlying ETA seeks 120 day authority. Supporting shipper: Colgate-Palmolive Company, P.O. Box 1445, Louisville, KY 40201.

MC 126904 (Sub-4–3TA), filed July 23, 1980. Applicant: H. C. PARRISH TRUCK SERVICE, INC., Rural Route 2, P.O. Box 264, Freeburg, IL 62243. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. *Malt beverages,* from St. Louis, MO and points in its Commercial Zone, and Evansville, IN to Cleveland, OH, and points in its Commercial Zone. An underlying ETA seeks 120 days authority. Supporting shippers: Knall Beverage, 4550 Tredman Road, Brooklyn, OH 44144.

MC 80430 (Sub-4–7TA), filed July 22, 1980. Applicant: GATEWAY TRANSPORTATION CO., INC., 455 Park Plaza Drive, La Crosse, WI 54601. Representative: Lem Smith, 455 Park Plaza Drive, La Crosse, WI 54601. *Common:* regular: *General Commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment,* (1) Between Sterling, IL and Grinnell, IA over IL Hwy 2 to the junction of IL Hwy 5, then over IL Hwy 5 to the junction of U.S. Hwy 6, then over U.S. Hwy 6 to Grinnell, and return over the same route, serving all intermediate points; (2) Between Dubuque, IA and Bettendorf, IA, over U.S. Hwy 61, and return over the same route, serving no intermediate points; (3) Between Summitville, IA and Davenport, IA, over U.S. Hwy 61, and return over the same route, serving Muscatine, IA as an intermediate point; (4) Between Jacksonville, IL and Rock Island, IL, over U.S. Hwy 67, and return over the same route, serving no intermediate points; (5) Between Chicago, IL and Moline, IL, over U.S. Hwy 34 to the junction of IL Hwy 92, then over IL Hwy 92 to Moline, IL, and return over the same routes, serving no intermediate points; (6) Between Peoria, IL and Moline, IL, over U.S. Hwy 150, and return over the same route, serving no intermediate points. There are 8 supporting shippers.

MC 126904 (Sub-4–2TA), filed July 22, 1980. Applicant: H. C. PARRISH TRUCK SERVICE, INC., Rural Route 2, P.O. Box 264, Freeburg, IL 62243. Representative: James W. Patterson, 1200 Western Savings Bank Building, Philadelphia, PA 19107. *Sugar* (except in bulk), from Reserve, LA, to points in AL, AR, GA, IL, IN, KS, KY, MI, MN, MS, MO, NE, OH, TN, and WI. An underlying ETA seeks 120 days authority. Supporting shipper(s): Godchaux-Henderson Sugar Co., Inc., P.O. Drawer AM, Reserve, LA 70084.

MC 145465 (Sub-4–3TA), filed July 21, 1980. Applicant: GURN ENTERPRISES, INC., Rt. 6, Box 8, Allegan, MI 49010. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Contract:* Irregular: *Drugs and toilet articles and materials and supplies* used in the manufacture, sale and distribution thereof, between Allegan, MI, and points in its commercial zone, on the one hand, and, on the other, points in WA, NV, MT, ND, SD, IN and DC, under a continuing contract(s) with L. Perrigo Co. An underlying ETA seeks 120 days' authority. Supporting shipper(s): L. Perigo Co., 111 Water St., Allegan, MI 49010.

MC 124554 (Sub-4–3TA), filed July 23, 1980. Applicant: LANG CARTAGE CORP., P.O. Box 1465, Waukesha, WI 53187. Representative: Richard C. Alexander, 710 N. Plankinton Avenue, Milwaukee, WI 53203. *Contract;* Irregular; *such merchandise as is dealt in by wholesale drug business houses,* from St. Paul, MN to points in Barron, Buffalo, Burnett, Chippewa, Clark, Dunn, Eau Claire, Jackson, Juneau, LaCrosse, Monroe, Pepin, Pierce, Polk, Rusk, St.

Croix, Sawyer, Taylor, Trempealeau, Vernon, and Washburn Counties, WI. An underlying ETA seeks 120 days authority. Supporting shipper(s): McKesson Drug Co., a division of Foremost-McKesson, Inc., P.O. Box 3458, St. Paul, MN 55186.

MC 134979 (Sub-4–1TA), filed July 21, 1980. Applicant: DAGGETT TRUCK LINE, INC., Frazee, MN 56544. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. *Contract; irregular; Boxed meat,* from the Fargo, ND commercial zone to points in the U.S. in and west of MI, OH, KY, TN and AL (except AK, HI and ND). An underlying ETA seeks 120 days authority. Supporting shipper(s): Held Beef Industries, Inc., Stockyard Road, West Fargo, ND 58078.

MC 129645 (Sub-4–4TA), filed July 23, 1980. Applicant: SMEESTER BROS., INC., 1330 S. Jackson St., Iron Mountain, MI 49801. Representative: H. G. Denny (same address as applicant). *(1) Fabricated metal products; (2) machinery and supplies,* between points in AR, MI, OH, PA and WI on the one hand, and, on the other, points in and east of ND, SD, NE, CO, OK and TX. An underlying ETA seeks 90 days authority. Supporting shipper(s): Arkansas Foundry Co., d.b.a. Afco Steel, Box 231, Little Rock, AR 72203 and Rust Engineering Co., Box 101, Birmingham, AL 35201.

MC 128205 (Sub-4–6TA), filed July 23, 1980. Applicant: BULKMATIC TRANSPORT COMPANY, 12000 South Doty Avenue, Chicago, Illinois 60628. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, Illinois 60601. *Lime,* in bulk, in tank vehicles from Gibsonburg, Woodville, Carey and Genoa, OH to Chicago, IL. Supporting shipper(s): Republic Steel Corporation, P.O. Box 6778, Cleveland, OH 44101.

MC 134477 (Sub-4–38TA), filed July 21, 1980. Applicant: SCHANNO TRANSPORTATION, INC., 5 W. Mendota Rd., West St. Paul, MN 55118. Representative: Thomas Fischbach, P.O. Box 43496, St. Paul, MN 55164. *Foodstuffs and equipment, materials and supplies used in the manufacture and distribution of foodstuffs (except commodities in bulk),* between the facilities of P.V. Foods, Inc. at or near Hopkins and Northfield, MN and Poplar, WI on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. An underlying ETA seeks 120 days authority. Supporting shipper: P.V. Foods, Inc., 2021 E. Hennipen, Suite 180, Minneapolis, MN 55413.

MC 124078 (Sub-4–26TA), filed July 3, 1980. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. *Cement,* from Fairborn, OH to Hagerstown, Frederick, Baltimore, Annapolis and Sparrow Point, MD. Supporting shipper: Southwestern Portland Cement Company, 506 East Xenia Drive, Fairborn, OH 45324.

MC 43038 (Sub-4–15), filed July 21, 1980. Applicant: COMMERCIAL CARRIERS, INC., 20300 Civic Center Drive, 4th Floor, Box CS 5027, Southfield, MI 48037. Representative: Paul H. Jones, 29725 Shacket Avenue, Madison Heights, MI 48071. *Motor Vehicles,* [except trailers], *complete or not complete, and bodies for such vehicles,* in secondary movements, in truckaway service, between Phoenix, AZ, on the one hand, and, on the other, points in CA, CO, MT, OR and WY for 270 days. Supporting shipper: International Harvester Company, 401 North Michigan Avenue, Chicago, IL 60611.

MC 43038 (Sub-4–14), filed July 21, 1980. Applicant: COMMERCIAL CARRIERS, INC., 20300 Civic Center Drive, 4th Floor, Box CS 5027, Southfield, MI 48037. Representative: Paul H. Jones, 29725 Shacket Avenue, Madison Heights, MI 48071. *Motor Vehicles,* [except trailers], *complete or not complete, and bodies for such vehicles,* in secondary movements, in truckaway service, between Denver, CO, on the one hand, and, on the other, points in CA, ID, MT, OR and WA for 270 days. Supporting shipper: International Harvester Company, 401 North Michigan Avenue, Chicago, IL 60611.

MC 43038 (Sub-4–13TA), filed July 21, 1980. Applicant: COMMERCIAL CARRIER, INC., 20300 Civic Center Drive, 4th Floor Box CS 5027, Southfield, MI 48037. Representative: Paul H. Jones, 29725 Shacket Avenue, Madison Heights, MI 48071. *Motor vehicles,* [except trailers], in *complete or not complete, and bodies for such vehicles,* in secondary movements, in truckaway service between Salt Lake City, UT, on the one hand, and, on the other, points in CO, MT and WA. Supporting shipper: International Harvester Company, 401 North Michigan Avenue, Chicago, IL 60611.

MC 43038 (Sub-4–12), filed July 21, 1980. Applicant: COMMERCIAL CARRIERS, INC., 20300 Civic Center Drive, 4th Floor Box CS 5027, Southfield, MI 48037. Representative: Paul H. Jones, 29725 Shacket Avenue, Madison Heights, MI 48071. *Motor vehicles,* (except trailers), *complete or not complete, and bodies for such vehicles,* in secondary movements, in truckaway service, between points in CA, on the one hand, and, on the other, points in AZ, CO, ID, MT, NV, NM, OR, UT, WA and WY. Supporting shipper: International Harvester Company, 401 North Michigan Avenue, Chicago, IL 60611.

MC 147837 (Sub-4–1TA), filed July 21, 1980. Applicant: LIMA, INC., Route 4, Marion, IL 62959. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. *Building materials,* (1) from Marion, IL, to points in IN, KY and MO; and (2) from Kansas City, Perryville and St. Louis, MO; Mt. Vernon, Goshen, Elkhart and E. Chicago, IN; Memphis, TN and Akron, OH, to Marion, IL. Restricted in (1) and (2) to the transportation of traffic originating or destined to the facilities of Marion Metal & Roofing Company, Inc. Supporting shipper: Marion Metal Roofing Co., Inc. 703 S. Court St., Marion, IL 62959.

MC 151283 (Sub-4–1TA), filed July 16, 1980. Applicant: MOBY DICK, INC., 815 Max Avenue, Lansing, MI 48915. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission and commodities in bulk) from Chicago, IL to the facilities of Meijer, Inc. at Lansing and Grand Rapids, MI and their respective commercial zones. Restricted to foreign traffic having a prior movement by rail and moving in trailers supplied by the shipper or railroad with the right of return of said empty trailers to Chicago, IL. An underlying ETA seeks 120-day authority. Supporting shipper: Meiser Inc., Grand Rapids, MI 49504.

MC 111375 (Sub-4–1TA), filed July 18, 1980. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., P.O. Box 3358, Madison, WI 53704. Representative: James A. Matras (same as applicant). *Foodstuffs* from the facilities of Diane's Foods Incorporated at McMinnville, OR, and Brenda and Madera, CA to points in CO, ID, IL, IN, IA, KS, MI, MN, MO, MT, NE, ND, OH, OK, OR, SD, UT, WA, WI and WY. An underlying ETA seeks 120 days authority. Supporting shipper: Diane's Foods Incorporated, 3101 Orchard Avenue, McMinnville, OR 97218.

MC 124078 (Sub-4–29TA), filed July 18, 1980. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. *Cement,* in bulk, from Buffington, IN to Columbia, TN. An

underlying ETA seeks authority. Supporting Shipper: United States Steel Corp., 600 Grant St., Pittsburgh, PA 15230.

MC 124078 (Sub-4–30TA), filed July 18, 1980. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. *Sugar, corn syrup and blends,* from Jefferson and Reserve, LA to points in AL, AR, FL, GA, IL, IN, IA, KY, LA, MI, MS, MO, NE, NC, OH, OK, SC, TN, TX, VA, WV and WI. An underlying ETA seeks 120 days authority. Supporting Shipper: Southern Sweetners, 4906 Jefferson Hwy., New Orleans, LA 70181.

MC 43038 (Sub-4–11TA), filed July 18, 1980. Applicant: COMMERICAL CARRIERS, INC., 20300 Civic Center Drive, 4th Floor Box CS 5027, Southfield, MI 48037. Representative: Paul H. Jones, 29725 Shacket Avenue, Madison Heights, MI 48071. *Motor vehicles,* (except trailers), *complete or not complete, and bodies for such vehicles,* in secondary movements, in driveway service, between points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, and WY. Supporting Shipper: International Harvester Company, 401 North Michigan Avenue, Chicago, IL 60611.

MC 40978 (Sub-4–8TA), filed July 18, 1980. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, 3321 Business 141 South, Sheboygan, WI 53081. Representative: Daniel R. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. (1) *Water filters, filter housings, and meter, valve or control boxes, and such commodities as are used in the sale, distribution, or installation of the above commodities* from the facilities of Ametek, Plymouth Products Division at Sheboygan, WI, to points in and east of MN, IA, MO, AR, and LA; and (2) *materials, equipment, and supplies used in the manufacture, sale, distribution or installation of the commodities in (1) above* in the reverse direction. Supporting shipper: Ametek, Plymouth Products Division, 502 Indiana Avenue, Sheboygan, WI 53081.

MC 112298 (Sub-4–1TA), filed July 18, 1980. Applicant: RAY'S GARAGE, INC., 14429 West Highway 24, Hales Corners, WI 53130. Representative: James Salentine, 14429 West Highway 24, Hales Corners, WI 53130. *Equipment, machinery and parts, supplies, materials and equipment used in the manufacturing, rebuilding or repair of these items by or for Pettibone Corporation,* on drop-deck trailer equipment equipped with a hydraulic operated winch and a hydraulic loading platform, to, from or between points in the U.S. (except AK and HI). An underlying ETA seeks 120 days. Supporting Shipper: Pettibone Corporation, P.O. Box 1515, Irving, TX 75060.

MC 35358 (Sub-4–3TA), filed July 21, 1980. Applicant: BERGER TRANSFER & STORAGE, INC., 3720 Macalaster Drive NE, Minneapolis, MN 55421. Representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, MN 55402. *School and office furniture and parts and components for school and office furniture;* from Plano, TX to points in the U.S. Supporting shipper: Smith Systems, Mfg., Co., 1405 Silver Lake Road, New Brighton, MN 55112.

MC 145481 (Sub-4–5TA), filed July 21, 1980. Applicant: COYOTE TRUCK LINE, INC., 501 Sam Ralston Road, Lebanon, IN 46052. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717–17th Street, Denver, CO 80202. *New furniture and furnishings,* from points in GA, NC, TN, SC, & VA, to Lenoir, NC and points in AZ, CA, NV, and UT. Restricted to traffic originating at or destined to the facilities of Terminal Freight Cooperative Association or its member affiliates. Supporting shipper: Terminal Freight Cooperative Association, 1430 Branding Lane, Downers Grove, IL 60515.

MC 146510 (Sub-4–6TA), filed July 21, 1980. Applicant: UNIVERSAL CARTAGE, INC., 640 W. Ireland Rd., South Bend, IN. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *Contract:* Irregular, *Castings, casting parts, and materials, equipment, and supplies used in the manufacture and distribution of castings and casting parts and aluminum and titanium ingots,* between the facilities of Howmet Turbine Components Corporation at or near Dover, NJ, Hampton, VA, LaPorte, IN, Witchita Falls, TX, Plymouth, MI, Milwaukee, WI, Reno, NV, Whitehall, MI, Farmington, CT, Muskegon, MI, and Kingsbury, IN on the one hand, and on the other, points in the U.S. Supporting Shipper: Howmett Turbine Components Corporation, Steamboat Road, Greenwich, CT.

MC 114632 (Sub-4–13), filed July 21, 1980. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). *General commodities (except in bulk, classes A & B explosives, household goods as defined by the Commission, and those requiring special equipment),* between points in the U.S. (except AK and HI); restricted to the transportation of traffic originating at or destined to the facilities of GTE and its wholly owned subsidiaries (including but not limited to GTE Products Corporation, GTE Automatic Electric, GTE Lenkurt, GTE Telephone Directory and the General Telephone Companies). Supporting shipper: General Telephone & Electronics, One Stamford Forum, Stamford, CT 06904.

MC 149170 (Sub-4–13TA), filed July 18, 1980. Applicant: ACTION CARRIER, INC., 1000 East 41st Street, Sioux Falls, SD 57105. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago IL 60603. *Alcoholic beverages, Cordials and Mixes (Except Commodities in bulk)* Between Rapid City and Sioux Falls, SD, on the one hand, and, on the other, points in the states of CA, MN, PA, KY, IL, TN, OH and NY. An underlying ETA seeks 120 days authority. Supporting shipper: Famous Brands, Inc., 1111 So. Cliff Avenue, Sioux Falls, SD 57104.

MC 144898 (Sub-4–1TA), filed July 21, 1980. Applicant: JACK W. BAUER d.b.a., BAUER'S TRUCKING, Route 2, Medford, WI 54451. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. *Foodstuffs* from Clear Lake, WI to West Chicago and St. Charles, IL. Supporting shipper: General Mills, Inc., 9200 Wayzata Blvd., Minneapolis, MN 55440.

MC 147038 (Sub-4–2TA), filed July 21, 1980. Applicant: CLAYTON STRANGE, and Individual d.b.a. C. STRANGE TRUCKING CO., Route 2, Box 38, Wallace, MI 49893. Representative: James A. Spiegel, Esq., Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. *Contract,* Irregular; *foundry castings and foundry products, and materials, equipment and supplies* used in the manufacture of foundry castings and foundry products between Waupaca and Marinette, WI, and points in AL, CT, FL, GA, IL, IN, KY, MA, MI, MS, NC, NH, NY, OH, PA, SC, TN, VA, VT, and WV. Restricted to transportation performed under a continuing contract with Waupaca Foundry, Inc. An underlying ETA seeks 90 days authority. Supporting shipper: Waupaca Foundry, Inc., Tower Road, P.O. Box 249, Waupaca, WI 54981.

MC 110988 (Sub-4–46), filed July 21, 1980. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Avenue, Appleton, WI 54911. Representative: Patrick M. Byrne, P.O. Box 2298, Green Bay, WI 54306. *Chemicals, in bulk,* from the facilities of Armak Pioneer Chemical Division at Maple Shade, NJ to points in the United States in and east of ND, SD, NE, KS, OK, and TX. Supporting shipper: Armak Pioneer Chemical Division, Route 73, Maple Shade, NJ 08033.

MC 150633 (Sub-4–2TA), filed July 21, 1980. Applicant: MERTENS TRUCKING CO., INC., 4215 Terminal Drive, McFarland, WI 53558. Representative: James A. Spiegel, Esq., Olde Towne Office Park, 6425 Odana Road, Madison, Wisconsin 53719. *Petroleum products,* in bulk, in tank vehicles, from Dubuque, IA, to points in WI on and south of Interstate Highway 90 (I–90) beginning at the MN–WI State Line and running along I–90 and ending at the IL–WI State Line. An underlying ETA seeks 120 days authority. There are 15 supporting shippers.

MC 37473 (Sub-4–2TA), filed July 21, 1980. Applicant: DETROIT-PITTSBURGH MOTOR FREIGHT, INC., 1725 Miller Road, Dearborn, MI 48120. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. *General commodities* (except those of unusual value and except dangerous explosives, livestock, household goods as defined by the Commission, and commodities in bulk), serving the sites of The Ford Motor Company located at or near Chicago, IL; Detroit (including points in its Commercial Zone), Monroe, and Woodhaven, MI; Cleveland and Maumee, OH; and Buffalo, NY, as off-route points in connection with carrier's authorized regular route operations between Canton, OH and Pittsburgh, PA; Detroit, MI; Buffalo, NY; and Chicago, IL, including points in the Commercial Zone of all named cities. Supporting shipper Ford: Motor Co., Dearborn, MI.

MC 118263 (Sub-4–2TA), filed July 21, 1980. Applicant: COLDWAY CARRIERS, INC., P.O. Box 2038, Clarksville, IN 47130. Representative: William P. Whitney, Jr., 708 McClure Building, Frankfort, KY 40601. *Foodstuffs moving in vehicles equipped with mechanical refrigeration except in bulk,* from the facilities of American Home Foods at Milton, PA, to points in KY and WV. (Supporting shipper(s): American Home Foods, 685 Third Avenue, New York, NY 10017.)

MC 108449 (Sub-4–2TA), filed July 21, 1980. Applicant: INDIAN HEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, MN 55113. Representative: W. A. Myllenbeck, P.O. Box 43355, St. Paul, MN 55164. *General commodities,* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment (except those requiring temperature control) and those injurious or contaminating to other lading, serving points in MN and WI located in an area bounded by a line beginning at the MN–IA border and extending along Interstate Highway 35 north to junction Interstate Highway 94, then easterly along Interstate Highway 94 to its junction with Interstate Highway 90, thence southerly on Interstate Highway 90 to the IL–WI State line, thence westerly along the State lines of IL, MN and IA to point of beginning, including points on the indicated portions of the highways specified, as off-route points in connection with carriers' present authorized regular routes. (Supporting shipper(s): There are 61 supporting shippers.)

MC 109449 (Sub-4–6TA), filed July 21, 1980. Applicant: KUJAK TRANSPORT, INCORPORATED, 6366 West 6th Street, Winona, MN 55987. Representative: Mr. Gary Huntbatch (same address as applicant). *Malt beverages (except in bulk), materials, supplies, and equipment used in the sale of malt beverages and used empty containers and returned shipments of malt beverages,* between Milwaukee, WI and Peoria, IL on the one hand, and points in MN, Mitchell and Rapid City, SD, between LaCrosse, WI and Rapid City and Mitchell, SD, from Chicago, IL, and Jersey City and Bayonne, NJ, to Rapid City, SD. "An underlying ETA seeks 120 days authority." (Supporting shipper(s): Pabst Brewing Company, 917 West Juneau Ave., Milwaukee, WI 53201, Schmidt's Distributing Company, 4310 5th St., Winona, MN 55987, Mayer Distributing, 201 South Main, Mitchell, SD 57301, Highland Beverage Company, 802 East St. Patrick St., Rapid City, SD 57701.)

The following protests were filed in Region 5.

Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 10457 (Sub-5–1TA), filed July 18, 1980. Applicant: BURGGRABE TRUCK LINES, INC., Old Highway 40, Warrenton, MO 63383. Representative: Kerry L. Hart (same address as applicant). (1) *Milking machines, dairy farm equipment, peening machines, tanks, and industrial cleaning equipment (except commodities requiring special equipment), and (2) material and supplies used in the manufacture and distribution of the commodities in (1),* between the facilities of Zero Manufacturing Company at or near Washington and Berger, MO, on the one hand, and, on the other, points in the St. Louis, MO–E. St. Louis, IL and Kansas City, MO-Kansas City, KS commercial zones. Supporting shipper(s): Zero Manufacturing Company, 811 Duncan Ave., Washington, MO 63090.

MC 38403 (Sub-5–1TA), filed July 18, 1980. Applicant: WELLING TRUCK SERVICE, INC., 3610 Tree Court Industrial Drive, Kirkwood, MO 63122. Representative: H. Barney Firestone, 10 South LaSalle Street, Chicago, IL 60603. *Candy and confectionary products,* from points in St. Louis, MO and its Commercial Zone to points in IL and KY. Supporting shipper: Hershey Chocolate Company, 19 E. Chocolate Avenue, Hershey, PA 17033.

MC 88368 (Sub-5–6TA), filed July 17, 1980. Applicant: CARTWRIGHT VAN LINES, INC., 11901 Cartwright Avenue, Grandview, MO 64030. Representative: C. Max Stewart (same as applicant). *(1) painting and finishing systems; (2) accessories for (1) above; and (3) materials, equipment and supplies for (1) and (2) above (except commodities in bulk),* from Franklin Park, IL, Evansville, IN, and Kansas City, MO, to Hagerstown, MD, and Tulsa, OK. Supporting shipper: Industrial Finishing Systems, Inc., 1449 N. Topping, Kansas City, MO 64120.

MC 108053 (Sub-5–5TA), filed July 17, 1980. Applicant: LITTLE AUDREY'S TRANSPORTATION CO., INC., P.O. Box 129, Fremont, NE 68025. Representative: Arthur J. Sibik, 5501 West 79th Street, Burbank, IL 60459, (312) 284–3822. *Meat, Meat Products, Meat By-Products and articles distributed by meat packinghouses (except in bulk) as defined in Sections A and C of Appendix I to the Report in Descriptions in Motor Carriers Certificates 61 M.C.C. 209 and 766* from points in NE to points in AZ and UT. Supporting shipper: American Stores Packing Co., Division of Acme Markets, Lincoln, NE.

MC 113651 (Sub-5–19TA), filed July 17, 1980. Applicant: INDIANA REFRIGERATOR LINES, INC., 10838 Old Mill Road, Suite 4, Omaha, NE 68154. Representative: James F. Crosby, James F. Crosby & Associates, Oak Park Office Bldg., Suite 210B, 7363 Pacific St., Omaha, NE 68114. Common; Irregular. *General commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading,* (1) between the consolidation facilities of Cutlas Xpress Corporation, and/or Champlain Valley International, Inc., at or near Swanton, VT and Rouses Point, NY, on the one hand, and, on the other, points in the United States, (except AL and HI), and (2) between the facilities of the members of Champlain

Valley International, Inc., on the one hand, and, on the other, points in the United States, (except AK and HI). *Restriction:* Restricted to service performed for Champlain Valley International, Inc. and/or its members. Supporting shipper: Champlain Valley International, Inc., P.O. Box 277, Rouses Point, NY 12979.

MC 126045 (Sub-5–2TA), filed July 17, 1980. Applicant: ALTER TRUCKING AND TERMINAL CORPORATION, P.O. Box 3122, Davenport, IA 52808. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. *Pre-stress concrete,* from the Marley Cooling Tower Company at or near Muscatine, IA to the Wisconsin Electric Power Company at or near Pleasant Prairie, WI. Supporting shipper: Marley Cooling Tower Company, 5800 Foxridge Drive, P.O. Box 2912, Mission, KS 66201.

MC 129328 (Sub-5–3TA), filed July 18, 1980. Applicant: PAL TEX TRANSPORT CORP., P.O. Box 296, Palestine, TX 75801. Representative: Timothy J. Herman, Attorney at Law, 522 First Federal Plaza, Austin, TX 78701. Contract; Irregular. Paper and paper products and materials, equipment and supplies, used in the manufacture, sale or distribution of paper and paper products, from the facilities of or utilized by Union Camp Corp. at or near Lafayette, LA. and San Antonio, TX. to points in AR, MS, LA, OK, KS, TX, and MO, and from AR, MS, LA, OK, KS, TX, and MO to Lafayette, LA and San Antonio, TX. Supporting shipper: Union Camp Corporation, 1600 Valley Road, Wayne, NJ 07470.

MC 133959 (Sub-5–4TA), filed July 17, 1980. Applicant: ALBAUGH TRUCK LINE, INC., 123 Main Street, Elkart, IA 50073. Representative: Thomas E. Leahy, 1980 Financial Center, Des Moines, IA 50309. Contract, irregular, *general commodities, except class A and B explosives, commodities in bulk and those requiring special equipment* between points in IA, IL, St. Louis, North Kansas City and Kansas City, MO, Kansas City, KS, Valley and Omaha, NE, restricted to traffic originating at or destined to the facilities of ITOFCA, Inc. Supporting shipper: ITOFCS Inc., Two Walker Ave., Clarendon Hills, IL 60514. Applicant intends to interline traffic with rails carriers.

MC 142508 (Sub-5–28TA), filed July 18, 1980. Applicant: NATIONAL TRANSPORTATION, INC., Post Office Box 37465, Omaha, NE 68137. Representative: Lanny N. Fauss, Post Office Box 37096, Omaha, NE 68137. *Commodities handled by Food Business Houses (except in bulk), and equipment, materials, and supplies used in the manufacture thereof* between the facilities of Joseph Kirschner Co. and Kirschner Food Distribution Co., Augusta, ME; Barre, VT; Manchester, NH; and Boston, MA and points in the contiguous US. Supporting shipper: Joseph Kirschner Company, 193 Riverside Drive, Augusta, ME 04330.

MC 142508 (Sub-5–29TA), filed July 18, 1980. Applicant: NATIONAL TRANSPORTATION, INC., Post Office Box 37465, Omaha, NE 68137. Representative: Lanny N. Fauss, Post Office Box 37096, Omaha, NE 68137. *Commodities dealt in or sold by Food Business Houses (except commodities in bulk)* from points in CA, FL, IL, NJ, NY to the facilities of S. M. Flickinger. Supporting shipper: S. M. Flickinger, 45 Azalea Dr., P.O. Box 1086, Buffalo, NY 14240.

MC 142508 (Sub-5–30TA), filed July 18, 1980. Applicant: NATIONAL TRANSPORTATION, INC., Post Office Box 37465, Omaha, NE 68137. Representative: Lanny N. Fauss, Post Office Box 37096, Omaha, NE 68137. *Sanitary Chemicals and Disinfectants (except commodities in bulk in tank vehicles)* between the facilities of Rochester Germicide at Rochester, NY; Chicago, IL; and Greensboro, NC; and points in the contiguous US (except AK and HI). Supporting shipper: Rochester Germicide, P.O. Box 1515, Rochester, NY 14603.

MC 142508 (Sub-5–31TA), filed July 18, 1980. Applicant: NATIONAL TRANSPORTATION, INC., Post Office Box 37465, Omaha, NE 68137. Representative: Lanny N. Fauss, Post Office Box 37096, Omaha, NE 68137. *Malt Beverages (except in bulk)* from Pittsburg, PA, to San Fernando, CA. Supporting shipper: Modugno Bros. Import Company, 701 San Fernando Road, San Fernando, CA 91340.

MC 144505 (Sub-5–1TA), filed July 17, 1980. Applicant: DOYLE LOVE, d.b.a LOVE TRUCKING, Route 1, Box 438, Mabank, TX 75147. Representative: Thomas L. Cook, Attorney, Hightower, Alexander & Cook, P.C., 5801 Marvin D. Love Frwy., Dallas, TX 75237. *Motorcycles,* between Dallas and Tarrant Counties, TX., and Baton Rouge, La., on the one hand, and, on the other points in OK. Supporting shippers: Maxey Cycle, 4112 N.W. 29th, Oklahoma City, OK 73115; Buck Cycle, Inc., 6920 N. Broadway, Oklahoma City, OK 73116; Ardmore Yamaha, 530 S. Washington, Ardmore, OK 73401; Oklahoma Honda, 3400 Sunny Lane, Del City, OK 73135; and Jandebeur Cycle, 1028 S.W. 29th, Oklahoma City, OK 73129.

MC 145317 Sub-5–2TA), filed July 17, 1980. Applicant: QUALITY SERVICE TANK LINES, INC., 9022 Perrin Beitel Road, San Antonio, TX 78217. Representative: Timothy Mashburn, P.O. Box 2207, Austin, TX 78768. (1) *Cement, bulk,* from Midlothian (Ellis County), TX to points in OK; and (2) *Rock in bulk,* from Caddo County, OK to Midlothian (Ellis County), TX. Supporting shipper: Texas Industries, Inc., P.O. Box 400, Arlington, TX 76010.

MC 148447 (Sub-5–TA), filed July 17, 1980. Applicant: LCBS TRUCKING ENTERPRISES, 329 Ovida Street, Irving, TX 75061. Representative: William Sheridan, 1025 Metker, P.O. Drawer 5049, Irving, TX 75062. Contract: Irregular. *Plastic Articles except in Bulk),* from Dallas, TX., to Points in AZ, KS and OK. Supporting shipper: Sewell Plastics, 2210 St. Germain Steet, Dallas, TX 75212.

MC 151247 (Sub-5–1TA), filed July 17, 1980. Applicant: WEST-ARK REFRIGERATED CARRIERS, INC., P.O. Box 192, Paris, 72855. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. *Foodstuffs, (except in bulk)* from the facilities of the Anderson Clayton Company at or near Sherman, TX to points in AL, AR, FL, GA, KS, LA, MS, NM, OK and TN. Supporting shipper(s): Anderson Clayton Foods, P.O. Box 226165, Dallas, TX 75266.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6, Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 123310 (Sub-6–1TA), filed July 18, 1980. Applicant: DOUG ANDRUS DISTRIBUTING, INC., 1820 West Broadway, Idaho Falls, ID 83401. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. *Hides,* from points in ID to the facilities of Intermountain Protein Products, Inc., at or near West Jordan, UT, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Intermountain Protein Products, Inc., 5620 West Old Bingham Highway, West Jordan, UT 84084.

MC 151311 (Sub-6–1TA), filed July 17, 1980. Applicant: BEVERAGE DISTRIBUTORS, INC., P.O. Box 366, Yakima, WA 98907. Representative: George M. Hart, 1100 IBM Building, Seattle, WA 98101. *Juices and concentrates* from points in WA in an east of Okanogan, Chelan, Kittitas, Yakima, and Klickitat Counties to points in CA for 270 days. Supporting shipper: Valley Juice Products, Inc., 1819 W.J. Street, Yakima, WA 98902.

MC 71652 (Sub-6–4TA), filed July 21, 1980. Applicant: BYRNE TRUCKING, INC., P.O. Box 280, Medford, OR 97501.

Representative: David J. Stewart, P.O. Box 280, Medford, OR 97501. *Fireplace boxes,* from the facilities of Marco Mfg., Inc., at or near Los Angeles, CA to the facilities of Marco Mfg., Inc., at or near Louisville, KY for 270 days. Supporting shipper: Marco Mfg., Inc., 2520 Industrial Way, Lynwood, CA 90262 (213) 546–3201.

MC 151318 (Sub-6–1TA), filed July 18, 1980. Applicant: CALIFORNIA CONTRACT CARRIERS, 8543–B Unsworth Avenue, Sacramento, CA 95828. Representative: J. R. Fallabel (same as applicant). *Contract carrier:* Irregular routes: (a) *Roadway expansion paving joints and plastic or rubber articles,* from the plant site of B. F. Goodrich Company, Modesto, CA to AZ, CA, NV, NM, and TX; and (b) *shipping reels, empty* from the States of AZ, CA, NV, NM and TX to the B. F. Goodrich Company plant site at Modesto, CA, for 270 days. Supporting shipper: B. F. Goodrich Company, 2331 Hoover Drive, Modesto, CA 95354.

MC 143806 (Sub-6–1TA), filed July 17, 1980. Applicant: CANADIAN PACIFIC TRANSPORT CO., LTD., 44 W. Pender St., Vancouver, British Columbia, Canada V6B 1R7. Representative: George R. Labissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. *Contract carrier,* irregular routes: *pozzolan (fly ash) in bulk* from Centralia, WA, to ports of entry on the U.S.-Canada International Boundary line in WA, restricted to foreign commerce only, for 270 days. Supporting shipper: Wescon Products, Ltd., 1244 W. 77th St., Vancouver, B.C., Canada.

MC 148857 (Sub-6–2TA), filed July 18, 1980. Applicant: CHILD TRUCK LINE, INC., 711 South Third Street, Chowchilla, CA 93610. Representative: Robert Fuller, 13215 E. Penn Street, Suite 310, Whittier, CA 90602. *Bakery products, other than frozen,* from (1) Buena Park and Oakland, CA, to points in OR and WA, and (2) from Portland, OR, to points in CA, for 270 days. Supporting shipper: Nabisco, Inc., East Hanover, New Jersey 07936.

MC 115523 (Sub-6–1TA), filed July 21, 1980. Applicant: CLARK TANK LINES COMPANY, P.O. Box 1895, Salt Lake City, UT 84110. Representative: Melvin J. Whitear (same as applicant). *Petroleum Coke,* from Spokane, WA to Rowley, UT for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: N L Industries, Salt Lake City, UT 84110.

MC 125433 (Sub-6–23TA), filed July 21, 1980. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). (1) *such commodities as are dealt in or used by manufacturers of pollution control equipment,* (except commodities in bulk, in tank vehicles), (2) *such commodities as are dealt in or used by manufacturers of energy producing, reclamation and mining equipment,* (except commodities in bulk, in tank vehicles), and (3) *such commodities as are dealt in or used by manufacturers of self-propelled vehicles and self-propelled machinery,* (except commodities in bulk, in tank vehicles), between points in the United States (including AK, but excluding HI). Restricted in (3) above, to the transportation of shipments originating at the facilities of Envirotech Corporation, for 270 days. Supporting shipper: Envirotech Corporation, 3000 San Hill Road, Menlo Park, CA 94025.

MC 125433 (Sub-6–24TA), filed July 21, 1980. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). (1) *Radio, television, tuners, phonographs or tape or wire recorders or players or radio sets, (2) parts, equipment and supplies* used in the manufacture and distribution of commodities in (1) above, between points in IL, MO and PA, on the one hand, and, on the other, points in the United States (except AK). Restricted to traffic originating at or destined to the facilities utilized by Zenith Radio Corporation, for 270 days. Supporting shipper: Zenith Radio Corporation, 1900 North Austin Avenue, Chicago, IL 60639.

MC 125433 (Sub-6–26TA), filed July 21, 1980. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). (1) *Electrical Sound Amplifying Equipment, component parts, accessories,* (2) *Display and related articles,* and (3) *Material, equipment and supplies* used in the manufacture and distribution of sound amplifying equipment, between points in the United States (except AK). Restricted to traffic originating at or destined to the facilities utilized by Altec Lansing Company, for 270 days. Supporting shipper: Altec Lansing Company, 10500 W. Reno, Oklahoma City, OK.

MC 125433 (Sub-6–27TA), filed July 22, 1980. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). (1) *railroad material, track, ties, switches, plates, and spikes;* and (2) *equipment and supplies used in the laying or removing railroad track,* between points in the United States (except AK and HI). Restricted to traffic originating at or destined to the jobsites and storage facilities of A & K Railroad Materials, Inc., for 270 days. Supporting shipper: A & K Railroad Materials, Inc., 1735 South Redwood Road, Salt Lake City, UT 84104.

MC 125433 (Sub-6–28TA), filed July 22, 1980. Applicant: F-B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). *Urethene foam insulated pipe and pipe systems (plastic and steel pipe),* between points in the United States (except AK and HI). Restricted to traffic originating at or destined to the facilities of Thermacore Process, Inc., for 270 days. Supporting shipper: Thermacore Process, Inc., 500 N.E. 23rd, Fort Worth, TX 76106.

MC 145102 (Sub-6–7TA), filed July 18, 1980. Applicant: FREYMILLER TRUCKING, INC., 1400 S. Union Avenue, Bakersfield, CA 93307. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. *Cheese and cheese products,* from points in IL, IA, MO, and WI to Oklahoma City, OK and points in TX for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Senmar, Inc., P.O. Box 907, Monroe, WI 53566.

MC 1515 (Sub-6–5TA), filed July 21, 1980. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: R. L. Wilson (same address as applicant). *Common carrier,* regular routes, *passengers and their baggage and express and newspapers,* in the same vehicle with passengers, between Tampa, FL and Clearwater, FL; from Tampa, FL over FL Hwy 60 (Campbell Causeway) to Clearwater, FL, and return over the same route, serving all intermediate points for 270 days. An underlying ETA seeks 120 days authority. There are 5 shippers. Their statements may be examined at the Regional Office listed.

MC 150756 (Sub-6–2TA), filed July 15, 1980. Applicant: GUTHMILLER TRUCKING, INC., P.O. Box 206 (30700 Dyer Street), Union City, CA 94587. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108. *Empty metal, glass, plastic and fiber containers and closures,* between points in the State of CA and points in Maricopa, Pima, and Pinal Counties, AZ, for 270 days. Supporting shippers: Continental Can Co., USA, 155 Bovet Road, San Mateo, CA 94402. Armstrong Containers, Inc., 10330 Roosevelt Rd., Westchester, IL 60153. Ball Corporation, 345 S. High St.,

Muncie, IN 47302. B. W. Mfg. Co., Inc., 3100 E. 10th St., Oakland, CA 94601.

MC 106873 (Sub-6–1TA), filed July 18, 1980. Applicant: HEAVY HAULING CO., INC., 2304 Talley Way, Kelso, WA 98626. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, OR 97210. *Commodities,* the transportation of which, by reason of size or weight, requires the use of special equipment, and related *machinery parts* and related *contractors' materials* and *supplies* when their transportation is incidental to the transportation of commodities described above, between points in Cowlitz and Lewis Counties, WA, on the one hand, and, points in Multnomah, Lane, Jackson, Washington and Clackamas Counties, OR, on the other hand, for 270 days. Supporting shippers: Weyerhaeuser Co., P.O. Box 188, Longview, WA 98632. Hamilton Construction Co., P.O. Box 659, Springfield, OR 97477. Brusco Corporation, P.O. Box 1060, Longview, WA 98632. Jensen & Grove, Inc., 310 Scott Avenue, Woodland, WA 98674.

MC 33641 (Sub-6–2TA), filed July 18, 1980. Applicant: IML FREIGHT, INC., 10 Exchange Place, Salt Lake City, UT 84111. Representative: Eldon E. Bresee (same as applicant). *General commodities, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring use of special equipment),* moving on bills of lading issued by ABC–TNT, Acme Fast Freight or Interstate Express, freight forwarders as defined in Section 101028(8) of 49 U.S.C., between points in AZ, CA, CO, CT, DE, ID, IL, IN, IA, KS, KY, LA, MD, MA, MI, MO, MT, NE, NV, NJ, NM, NY, OH, PA, RI, TX, UT, WA, and WY, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): ABC–TNT, Acme Fast Freight, 2110 Alhambra Ave., Los Angeles, CA 90031; and Interstate Express, 120 Apollo St., Brooklyn, NY 11222.

MC 139906 (Sub-6–30TA), filed July 17, 1980. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Mr. Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. *Plumber's goods and scrapped brass rods* between the facilities of Norris Industries, Price-Pfister Division, located at or near Pacoima, CA on the one hand, and on the other, points in OH for 270 days. Applicant seeks underlying ETA authority for 120 days. Supporting shipper: Norris Industries-Price Pfister Division, 13500 Paxton St., City of Pacoima, CA 94120.

MC 129951 (Sub-6–1TA), filed July 21, 1980. Applicant: HARLEY I. KEETER, JR. TRUCKING CO., 6379 Valmont Dr., Boulder, CO 80301. Representative: Harley I. Keeter, Jr. (same as applicant). *Ore and ore concentrate* from points in CO to POE's between the U.S. and Canada in WA and ID, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Silver State Mining Corp., P.O. Box 127, Victor, CO 80860.

MC 149183 (Sub-6–1TA), filed July 21, 1980. Applicant: MARION D. KELSO d.b.a. KELSO TRUCKING, 706 Upland Blvd., Las Vegas, NV 89107. Representative: Marion D. Kelso (same as applicant). *Contract carrier,* irregular routes: *Liquor, wine, beer and non alcoholic beverages,* from Napa, Marin, San Francisco and Sonoma Counties, CA to the facilities of Nevada Liquor & Wine, Ltd., and DeLuca Liquor & Wine, Ltd., located at Las Vegas, NV, for 270 days. Supporting shippers: Nevada Liquor & Wine, Ltd., P.O. Box 15632, Las Vegas, NV 89114. DeLuca Liquor & Wine, Ltd., P.O. Box 15631, Las Vegas, NV 89114.

MC 151324 (Sub-6–1TA), filed July 21, 1980. Applicant: ALAN H. KRAMER, 2525 N. E. Stephens, Apt. 59, Roseburg, OR 97470. Representative: Lawrence V. Smart, Jr., 419 N. W. 23rd Avenue, Portland, OR 97210. *Paper* and *paper articles,* between the facilities of International Paper Company at or near Gardiner, OR, on the one hand, and, points in CA, on the other hand, for 270 days. Supporting shipper: International Paper Company, 121 S. W. Salmon, Portland, OR 97204.

MC 151317 (Sub-6–1TA), filed July 18, 1980. Applicant: LAUGHLIN LINES, INC., 2527 N. Carson St., Ste. 205, Carson City, NV 89701. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. *Contract carrier:* Irregular routes, *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the United States (except AK and HI), under a continuing contract(s) with Hub West, Inc., located at Long-Shot (near Silver Springs), NV, for 270 days. Supporting shipper: Hub West, Inc., P.O. Box 356, Silver Springs, NV 89429.

MC 141084 (Sub-6–1TA), filed July 22, 1980. Applicant: NATIONAL FREIGHT LINES, INC., P.O. Box 1031, San Fernando, CA 91341. Representative: Bill D. Gardner (same address as above). *Contract:* Irregular: *Such commodities as are dealt in or used by manufacturers of chemicals and plastics,* from the facilities of Dow Chemical, U.S.A., in LA, to points in AZ, OR and WA, under continuing contract(s) with Dow Chemical, U.S.A., Louisiana Division, for 270 days. Supporting shipper: Dow Chemical U.S.A., P.O. Box 150, Plaquemine, LA 70764.

MC 51312 (Sub-6–1TA), filed July 18, 1980. Applicant: NORTHWEST FREIGHTLINES, INC., East 604 Montgomery Avenue, Spokane, WA 99207. Representative: Donald A. Ericson, Richter, Wimberley & Ericson, P.S., 708 Old National Bank Building, Spokane, WA 99201. *Contract carrier:* irregular routes: *Lumber, plywood, particle board, hardboard, shakes, shingles,* and *doors* between points in WA east of the Cascade Mountains, ID north of the southern boundary of Idaho County, and MT, for 270 days. Supporting shipper: Weyerhaeuser Company, Tacoma, WA 98401.

MC 138732 (Sub-6–3TA), filed July 21, 1980. Applicant: OSTERKAMP TRUCKING, INC., P.O. Box 5546, Orange, CA 92667. Representative: Michael R. Eggleton, 2500 Old Crow Canyon Road, Suite 325, San Ramon, CA 94583. *Building and Contruction Materials,* from the Celotex Corporation, a Jim Walter Company, at Fremont, CA, to points in and west of MT, WY, CO, and NM, for 270 days. Supporting Shipper: Jim Walter Corporation, 1500 North Dale Mabry, Tampa, FL 33622.

MC 730 (Sub-6–8TA), filed July 18, 1980. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 25 North Via Monte, Walnut Creek, CA 94598. Representative: Edgar E. Reddick, 25 North Via Monte, Walnut Creek, CA 94598. *Common carrier:* Regular Routes: *Non-exempt farm products; forest products; Nonmetallic minerals; except fuels; Nonexempt food or kindred products; Textile mill products; Apparel, or other finished textile products or knit apparel; Lumber or wood products, except furniture; Pulp, paper, or allied products; Printed matter; Chemicals or allied products; Petroleum or coal products; Rubber or miscellaneous plastics products; Leather or leather products; Clay, concerete, glass or stone products; Primary metal products, including galvanized, except coating or other allied processing; fabricated metal products, Machinery and supplies; Instruments, photographic goods or optical goods, watches or clocks; Waste or scrap materials not identified by industry producing; Containers, carriers of devices, shipping, returned empty; hazardous meterials.* (1) Between New

Orleans, LA and Gadsden, AL over U.S. Highway 90 to the junction of Interstate Highway 65, thence over Interstate Highway 65 to the junction of U.S. Highway 31, thence over U.S. Highway 31 to the junction of U.S. Highway 231A, over U.S. Highway 231A to Gadsden, AL, (2) Between New Orleans, LA and Hagerstown, MD over Interstate Highway 59 to the junction of U.S. Highway 11 , or over Interstate Highway 81, over U.S. Highway 11, or over Interstate Highway 81, to Hagerstown, MD, (3) Between Jackson, MS and Meridian, MS over U.S. Highway 80, (4) Between Dallas, TX and Birmingham, AL over Interstate Highway 30 to the junction of U.S. Highway 67, thence U.S. Highway 67 to the junction of U.S. Highway 82, thence U.S. Highway 82 to Birmingham, AL (5) Between Memphis, TN and Hagerstown, MD over U.S. Highway 64 to the junction of U.S. Highway 11, or over U.S. Highway 64 to the junction of Interstate Highway 81, over U.S. Highway 64, or over Interstate Highway 81 to Hagerstown, MD, (6) Between Memphis, TN and Nashville, TN over Interstate Highway 40. (7) Between Cincinnati, OH and New Orleans, LA over Interstate Highway 75 to the junction of U.S.Highway 11, over U.S. Highway 11 to the junction of Interstate Highway 59, over Interstate Highway 59 to New Orleans, LA, (8) Between Joplin, MO and Hagerstown, MD over U.S. Highway 60 to the junction of U.S. Highway 62, over U.S. Highway 62 to the junction of Interstate Highway 64, thence over Interstate Highway 64 to the junction of Interstate Highway 81, over Interstate Highway 81 to Hagerstown, MD, (9) Between Cincinnati, OH to Hagerstown, MD over U.S. Highway 50 to the junction of Interstate Highway 81, thence Interstate Highway 81 to Hagerstown, MD, (10) Between Indianapolis, IN and New Orleans, LA over Interstate Highway 70 to the junction of U.S. Highway 41, thence over U.S. Highway 41 to the junction of Interstate Highway 59, thence over Interstate Highway 59 to New Oreleans, LA, (11) Between Louisville, KY and New Orleans, LA over Interstate Highway 65 to the junction of Interstate Highway 59, thence over Interstate Highway 59 to New Orleans, LA, (12) Between Cincinnati, OH and Lexington, VA over U.S. Highway 52 to the junction of U.S. Highway 60, or the junction of Interstate Highway 64, thence over U.S. Highway 60, or over Interstate Highway 64, to Lexington, VA, (13) Between Joplin, MO and Hagerstown, MD over U.S. Highway 60 to the junction of U.S. Highway 62, thence over U.S. Highway 62 to the junction of KY Highway 91, thence over KY Highway 91 to the junction of U.S. Highway 68, thence over U.S. Highway 68 to the junction of KY Highway 80, thence over KY Highway 80 to the junction of U.S. Highway 119, thence over U.S. Highway 119 to the junction of Interstate Highway 64, thence over Interstate Highway 64 to the junction of Interstate Highway 81, thence over Interstate Highway 81 to Hagerstown, MD, (14) Between Detroit, MI and Waterloo, IA over Interstate Highway 96 to the junction of Interstate Highway 94, thence over Interstate Highway 94 to Waterloo, IA, (15) Between St. Louis, MO and Louisville, KY over U.S. Highway 460, (16) Between Detroit, MI and Chicago, IL over Interstate Highway 94, (17) Between Madisonville, IN and Hodgenville, IN over U.S. Highway 62, for 270 days. An underlying ETA seeks 120 days authority. There are no supporting shippers. Applicant seeks to serve all intermediate points and to tack this authority with operating authority presently held in MC–730 and subs thereto.

Note.—Common control may be involved. If a hearing is deemed necessary applicant requests that it be held at Los Angeles, CA or Atlanta, GA.

MC 151333 (Sub-6–1TA) filed July 21, 1980. Applicant: PASCUZZO & HONEYMAN TRUCKING, INC., 5127 South Maywood Avenue, Maywood, CA 90270. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) which are at the time moving on bills of lading issued by ABC Trans National Transport, Inc. and Acme Fast Freight, Inc., freight forwarders, as defined in Section 10102(8) of the Interstate Commerce Act, between points in the state of CA, on the one hand, and points in AZ, CO, ID, MT, NM, NV, OR, TX, UT, WA and WY, on the other hand, for 270 days. Supporting shipper: ABC Trans National Transport and Acme Fast Freight, Inc., 2110 Alhambra, Los Angeles, CA 90031.

MC 144957 (Sub-6–2TA) filed July 18, 1980. Applicant: PETERCLIFFE, LTD., 12623 E. Imperial Hwy., Santa Fe Springs, CA 90670. Representative: Les Peters, 12623 E. Imperial Hwy., Santa Fe Springs, CA 90670. *General Commodities* (except commodities in Bulk, A & B explosives and commodities requiring special equipment) between all points in AZ, CA, CO, IA, KS, MN, NE, NV, UT, for 270 days. An underlying ETA seeks 120 days authority. Restricted to traffic moving on bills of lading of freight forwarders. Supporting shipper(s): Inter State Express, Inc., 120 Apollo St., Brooklyn, NY 11222; Seapool, Inc., 990 Francisco St., Torrance, CA 90502; ABC-TNT/Acme Fast Freight, 2110 Alhambra Ave., Los Angeles, CA 90031; Westransco Freight Company, Post Office Box 54810, Los Angeles, CA 90054.

MC 151315 (Sub-6–1TA) filed July 18, 1980. Applicant: POZZOLANIC NORTHWEST BULK CARRIERS, INC., 2448–76th SE., Suite 222, Mercer Island, WA 98040. Representative: Joe L. MacKechnie (same address as applicant). (1) *Fly ash*, in bulk, in pneumatic tankers from Centralia, WA, and Boardman, OR, to points in WA, OR & MT and points on the International Boundary between the U.S. and Canada in WA; (2) *cement, lime and sand*, in bulk, in pneumatic tankers from points on the International Boundary between the U.S. and Canada in WA and points in OR, ID & MT to points in WA, for 270 days. Supporting shipper: Pozzolanic Northwest, Inc., 2448 76th SE., Mercer Island, WA 98040.

MC 65895 (Sub-6–1TA) filed July 18, 1980. Applicant: REDDAWAY's TRUCK LINE, 1721 NW. Northrup St., Portland, OR 97209. Representative: Lawrence V. Smart, Jr., 419 NW. 23rd Avenue, Portland, OR 97210. *General commodities*, except those of unusual value, Class A & B explosives, commodities in bulk, household goods as defined by the Commission, and those commodities injurious or contaminating to other lading, between Portland, OR and Seattle, WA and their commercial zones, on the one hand, and points in OR, on the other hand, for 270 days. Applicant proposes to tack with MC-65895 (Sub 4) and MC-65895 (Sub 5) when granted to provide service from Puget Sound points to OR points. Supporting shippers: There are 32 shippers. Their statements may be examined at the Regional office listed.

MC 135082 (Sub-6–10TA) filed July 21, 1980. Applicant: ROADRUNNER TRUCKING, INC., P.O. Box 26748, Albuquerque, NM 87125. Representative: D. F. Jones (same as applicant). *Lumber, lumber products, wood products, and millwork*, between points in AR, AZ, CA, CO, ID, KS, LA, MO, OK, MT, NM, NV, OR, TX, UT, WA, and WY, for 270 days. Supporting shippers: There are 6 shippers. Their statements may be examined at the Regional office listed.

MC 124692 (Sub-6–12TA), filed July 18, 1980. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59801. Representative: Donald W. Smith, P.O. Box 402248, Indianapolis, IN

46240. *Wood burning stoves and parts therefor,* from the facilities of Alaska Kodiak-South Central, Inc., at or near St. Louis, MO to points in CO, KY, IN, IL, OK MI, TN, KS, LA, AL, AR, MN, and NE for 270 days. Supporting shipper: Alaska Kodiak-South Central, Inc., 500 Prospect Street, St. Louis, MO

MC 107576 (Sub-6–3TA), filed July 21, 1980. Applicant: SILVER WHEEL FREIGHTLINES, INC., 1321 S. E. Water Ave., Portland, OR 97214. Representative: Ben D. Browning (same as applicant). *Common carrier;* regular route; *General Commodities* (except those of unusual value, household goods as defined by the Commission, Classes A and B explosives, commodities in bulk in tank vehicle, and those requiring special equipment (1) Between Ellensburg, WA and port of entry on the international boundary line between the United States and Canada near Oroville, WA, serving intermediate and off-route points in Kittitas, Chelan, Douglas, and Okanogan Counties, WA, over U.S. Hwy 97, and return over the same route; and (2) Between Soap Lake, WA and junction U.S. Hwy 2 and U.S. Hwy 97 serving intermediate and off-route points in Grant, Douglas and Chelan Counties, WA over WA State Hwy 28 westbound to junction U.S. Hwy 2, then over U.S. Hwy 2 to junction U.S. Hwy 97, and return over the same route; and (3) Between Seattle, WA and junction U.S. Hwy 195 and U.S. Hwy 95 serving intermediate and off-route points in Kittitas, Grant, Adams, Lincoln, Spokane and Whitman Counties, WA over Interstate Hwy 90 to junction U.S. Hwy 195, then over U.S. Hwy 195 to U.S. Hwy 95, and return over the same route; and (4) Between Pasco, WA and Walla Walla, WA serving intermediate and off-route points in Franklin and Walla Walla Counties, WA over U.S. Hwy 12, and return over the same route. Authority is requested to tack, interline and serve commercial zones of all points, for 270 days. There are (33) supporting shippers. Their statements may be examined at the regional office listed.

MC 148356 (Sub-6–1TA), filed July 21, 1980. Applicant: STAR MOTOR FREIGHT LINES, INC., 3110 North Stone, Colorado Springs, CO 80907. Representative: Raymond M. Kelley, 450 Capitol Life Center, Denver, CO 80203. *Common Carrier,* regular routes: *General Commodities* (except commodities in bulk, in tank vehicles, class A and B explosives, household goods as defined by the Commission, commodities which because of weight or size require the use of special equipment, and commodities of unusual value), between Denver, CO, and Lamar, CO: From Denver, CO, over Interstate Hwy 25, U.S. Hwy 85 and U.S. Hwy 87 to Pueblo, CO, then over U.S. Hwy 50 and U.S. Hwy 50 bypass to Lamar, CO, and return over the same route, serving all intermediate points and serving the commercial zones of all points, for 270 days. Applicant intends to interline at Denver, CO, and Colorado Springs, CO. An underlying ETA seeks 120 days authority. Supporting shipper(s): There are 13 shippers. Their statements may be examined at the Regional Office listed.

MC 144882 (Sub-6–1TA), filed July 21, 1980. Applicant: STATEWIDE DISTRIBUTION SERVICES, INC., 4270 Maywood Ave., Los Angeles, CA 90058. Representative: John C. Russell, 1545 Wilshire Blvd., Los Angeles, CA 90017. *Contract Carrier,* Irregular routes: *Such commodities as are dealt in or used by wholesale or retail department, discount or variety stores (except commodities in bulk),* between points in CA, on the one hand,and, on the other, points in AZ, NV, OR and WA, for the account of K-Mart Corp., for 270 days. Supporting shipper: K-Mart Corp., for 270 days. Supporting shipper: K-Mart Corp.; 3100 W. Big Beaver; Troy, MI

MC 150370 (Sub-6–1TA), filed July 21, 1980. Applicant: THAIS TRUCKING COMPANY, P.O. Box 3597, Milan, NM 87021. Representative: Nondes Byram, P.O. Box 1942, Grants, NM 87020. *Contract carrier,* irregular routes: *Coal ore* from Torreon, NM to points in AZ, and points in TX west of I 27 and north of I 10 highways, for account of Arroyo #1 Mining Co., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Arroyo #1 Mining Co., Star Rt #1, Bernalillo, NM.

MC 26396 (Sub-6–37TA), filed July 21, 1980. Applicant: THE WAGGONERS TRUCKING, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Clay and clay products,* from points in Hardeman County, TN to points in the United States in and east of MT, WY, CO and NM, for 270 days. Supporting shipper: Maltan, Inc., P.O. Box 626, Memphis, TN 38101.

MC 151334 (Sub-6–1TA), filed July 21, 1980. Applicant: TOBY'S TRUCKING, INC., 10 West Cremetti Lane, Yerington, NV 89447. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701. *Feed supplements and ingredients used in the manufacture of animal and poultry feed; materials and ingredients used in the manufacture of chemically coated seeds, insecticides, herbicides, fertilizers; and articles dealt in by farm supply stores,* between points in CA in and North of San Luis Obispo, Kern and Inyo Counties, on the one hand, and points in and North of Douglas, Lyon, Churchill, Eureka and White Pine Counties, NV on the other hand, for 270 days. Supporting shippers: There are seven (7) supporting shippers to this application. Their statements may be examined at the regional office listed.

MC 117786 (Sub-6–18TA), filed July 21, 1980. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. *"Kitchen cabinets and cabinet hardware,* from the plantsite of Sunland Industries, Inc. at or near Corrales, NM to the facilities of Dar Distributing Co. at Phoenix, AZ for 270 days. Supporting shippers: Sunland Industries, Inc., P.O. Box 250, Corrales, NM 87048 and Dar Distributing Co., 2625 West Cypress, Phoenix, AZ 85009.

MC 141804 (Sub-6–1TA), filed July 21, 1980. Applicant: CITY PARCEL DELIVERY, INC., South 108 State Street, Spokane, WA 99204. Representative: Paul Gisselberg (same as applicant). *Common carrier,* regular routes, *drugs, medical, dental, optical and hospital supplies, film and photographic supplies and products, educational aids, data material, inter-office communications, title reports, office supplies, medical reports, medical tests and results, and electronic components,* excluding bulk, dry and liquid commodities, and restricted to shipments of individual packages or articles weighing no more than 50 pounds from any one consignor to one consignee at one location in any one day, between Spokane, WA and Post Falls, Coeur D'Alene, and Hayden Village-Hayden Lake, ID via Interstate 90 between Spokane and Post Falls and Coeur D'Alene; U.S. 95 between Coeur D'Alene and Hayden Village-Hayden Lake with return over the same route, or, alternatively; to and/or from Hayden using County Road West of Hayden to State Highway 41 then South to Interstate 90 for 270 days. Supporting shipper(s): There are 19 shippers. Their statements may be examined at the regional office listed.

Agatha L. Mergenovich

Secretary

FR Doc. 80-23328 Filed 8-1-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Controlled Substances; Establishment of 1980 Aggregate Production Quotas for Hydromorphone and Lysergic Acid Methylpropylamide

Section 306 of the Controlled Substances Act (21 U.S.C. 826) requires that the Attorney General establish aggregate production quotas for all controlled substances in Schedules I and II. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations.

On June 11, 1980, a notice proposing to revise the 1980 aggregate production quota for hydromorphone and a notice proposing to establish a 1980 aggregate production quota for lysergic acid methylpropylamide were published in the **Federal Register** (45 FR 39590–1). All interested parties were invited to comment on or object to these proposals on or before July 14, 1980. No comments or objections were received.

Therefore, under the authority vested in the Attorney General by Section 306 of the Controlled Substances Act of 1970 (21 U.S.C. 826), and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations, the Administrator of the Drug Enforcement Administration hereby orders that the 1980 revised aggregate production quota for hydromorphone and the 1980 aggregate production quota for lysergic acid methylpropylamide, expressed in grams of anhydrous base, be established as follows:

Table

Controlled substance	1980 aggregate production quota
Hydromorphone (Schedule II)	106,500
Lysergic Acid Methylpropylamide (Schedule I)	1.2

This order is effective upon publication.

Dated: July 30, 1980.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 80-23354 Filed 8-1-80; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel; Meetings

AGENCY: National Endowment for the Humanities.

ACTION: Notice of Meetings.

SUMMARY: Pursuant to the provision of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at 806 15th Street, N.W., Washington, D.C. 20506:

(1) Date: August 19, 1980.
Time: 9:00 a.m. to 5:30 p.m.
Room: 314.
Program: This meeting will review applications for Fellowships for Independent Study and Research in Comparative Literature, Theory and Criticism, Composition and Rhetoric, and Film, submitted to the Division of Fellowships and Seminars, for project beginning after January 1, 1981.

(2) Date: August 20, 1980.
Time: 9:00 a.m. to 5:30 p.m.
Room: 314.
Program: This meeting will review applications for Fellowships for Independent Study and Research in German, Classical, Slavic Languages and Literature, submitted to the Division of Fellowships and Seminars, for projects beginning after January 1, 1981.

(3) Date: August 21, 1980.
Time: 9:00 a.m. to 5:30 p.m.
Room: 314.
Program: This meeting will review applications for Fellowships for College Teachers in English Literature, submitted to the Division of Fellowships and Seminars, for projects beginning after January 1, 1981.

(4) Date: August 22, 1980.
Time: 9:00 a.m. to 5:30 p.m.
Room: 911.
Program: This panel will consider applications in Art History submitted to the program of Fellowships for Independent Study and Research in the Division of Fellowships and Seminars, support for the projects under consideration may begin on or after January 1, 1981.

(5) Date: August 25, 1980.
Time: 9:00 a.m. to 5:30 p.m.
Room: 314.
Program: This meeting will review applications for Fellowships for Independent Study and Research in Music, Theatre, Drama, and Dance, submitted to the Division of Fellowships and Seminars, for projects beginning after January 1, 1981.

(6) Date: August 25, 1980.
Time: 9:00 a.m. to 5:30 p.m.
Room: 807.
Program: This meeting will review applications for Fellowships for Independent Study and Research in French and Italian, submitted to the Division of Fellowships and Seminars, for projects beginning after January 1, 1981.

(7) Date: August 26, 1980.
Time: 9:00 a.m. to 5:30 p.m.
Room: 134.
Program: This meeting will review applications for Fellowships for College Teachers in Foreign Languages and Literatures, submitted to the Division of Fellowships and Seminars, for projects beginning after January 1, 1981.

(8) Date: August 28, 1980.
Time: 9:00 a.m. to 5:30 p.m.
Room: 314.
Program: This meeting will review applications for Fellowships for College Teachers in American Literature, submitted to the Division of Fellowships and Seminars, for projects beginning after January 1, 1981.

(9) Date: August 29, 1980.
Time: 9:00 a.m. to 5:30 p.m.
Room: 807.
Program: This meeting will review applications for Fellowships for Independent Study and Research in Political Science and Law, submitted to the Division of Fellowships and Seminars, for projects beginning after January 1, 1981.

(10) Date: September 4, 1980.
Time: 9:00 a.m. to 5:30 p.m.
Room: 314.
Program: This meeting will review applications for Fellowships for College Teachers in Philosophy and Religion, submitted to the Division of Fellowships and Seminars, for projects beginning after January 1, 1981.

(11) Date: September 6, 1980.
Time: 9:00 a.m. to 5:30 p.m.
Room: 314.
Program: This panel will consider applications in American History submitted to the program of Fellowships for Independent Study and Research in the Division of Fellowships and Seminars. Support for the projects under consideration may begin on or after January 1, 1981.

(12) Date: September 10, 1980.
Time: 9:00 a.m. to 5:30 p.m.
Room: 314.
Program: This meeting will review applications for Fellowships for College Teachers in Art and Music, submitted to the Division of Fellowships and Seminars, for projects beginning after January 1, 1981.

(13) Date: August 22, 1980.

Time: 9:00 a.m. to 5:30 p.m.
Room: 807.
Program: This meeting will review applications for Fellowships for Independent Study and Research in Anthropology, submitted to the Division of Fellowships and Seminars, for projects beginning after January 1, 1981.

The proposed meetings are for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose,

(1) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(2) information of a personal nature the disclosure of which would constitute a cleary unwarranted invasion of personal privacy; and

(3) information the disclosure of which would significantly frustrate implementation of proposed agency action;

pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), (6) and (9) (B) of section 552b of Title 5, United States Code.

Further information about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506, or call (202) 724–0367.

Stephen J. McCleary,

Advisory Committee, Management Officer.

[FR Doc. 80-23360 Filed 8-1-80; 8:45 am]

BILLING CODE 7536-01-M

Music Panel (Jazz Section); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Music Panel (Jazz Section) to the National Council on the Arts will be held August 25, 1980 from 9:00 a.m. to 6:00 p.m., August 26, 1980 from 9:00 a.m. to 6:00 p.m., August 27, 1980 from 9:00 a.m. to 6:00 p.m., August 28, 1980 from 9:00 a.m. to 6:00 p.m., and August 29, 1980 from 9:00 a.m. to 6:00 p.m., in Room 1426, Columbia Plaza Office Complex, 2401 E St., N.W., Washington, D.C.

A portion of this meeting will be open to the public on August 25, 1980 from 9:00 a.m. to 12:30 p.m. and August 29, 1980 from 4:00 p.m. to 6:00 p.m. for the orientation of panelists and review of guidelines.

The remaining sessions of this meeting on August 25, 1980 from 12:30 p.m. to 6:00 p.m., August 26, 1980 from 9:00 a.m. to 6:00 p.m. August 27, 1980 from 9:00 a.m. to 6:00 p.m., August 28, 1980 from 9:00 a.m. to 6:00 p.m., and August 29, 1980 from 9:00 to 4:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operation, National Endowment for the Arts.

July 25, 1980.

[FR Doc. 80-23327 Filed 8-1-80; 8:45 am]

BILLING CODE 7537-01-M

Music Panel (New Music Performance Section); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Music Panel (New Music Performance Section) to the National Council on the Arts will be held September 2, 1980 from 9:00 a.m. to 6:00 p.m., September 3, 1980 from 9:00 a.m. to 6:00 p.m., September 4, 1980 from 9:00 a.m. to 6:00 p.m., and September 5, 1980 from 9:00 a.m. to 6:00 p.m., in Room 1425, Columbia Plaza Office Complex, 2401 E St., N.W., Washington, D.C.

A portion of this meeting will be open to the public on September 5, 1980 from 2:00 a.m. to 4:00 p.m. to discuss guideline revisions.

The remaining sessions of this meeting on September 2, 1980 from 9:00 a.m. to 6:00 p.m., September 3, 1980 from 9:00 a.m. to 6:00 p.m., September 4, 1980 from 9:00 a.m. to 6:00 p.m., and September 5, 1980 from 9:00 a.m. to 2:00 p.m. and 4:00 p.m. to 6:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

July 25, 1980.

[FR Doc. 80-23328 Filed 8-1-80; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[Docket No. SA-473]

Aviation Accident Investigation Hearing; Omaha, Nebr.

Notice is hereby given that the National Transportation Safety Board will convene an accident investigation hearing at 9:00 a.m. (local time), September 16, 1980, in the Board of Equalization Room, Omaha-Douglas Civic Center, 1819 Farnam Street, Omaha, Nebraska 68183. The public hearing will be held in connection with the Safety Board's investigation of an accident involving an Air Wisconsin, Inc., Metroliner, which occurred at Valley, Nebraska, on June 12, 1980.

David F. Thomas,

Hearing Officer.

July 28, 1980.

[FR Doc. 80-23362 Filed 8-1-80; 8:45 am]

BILLING CODE 4910-58-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Subcommittee on Safety Philosophy and Criteria; Change

The August 6, 1980 meeting of the ACRS Subcommittee on Safety Philosophy and Criteria will be held in room 762 instead of room 1118 at 1717 H St., NW, Washington, DC 20555.

The following addition has been made to the agenda:

Review proposed schedules for developing quantitative safety goals.

All other items regarding this meeting remain the same as announced in the **Federal Register** July 22, 1980 (45 FR 49000).

Further information may be obtained by a prepaid telephone call to the cognizant Designated Federal Employee for this meeting, Dr. Richard Savio (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: July 31, 1980.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 80-23576 Filed 8-1-80; 10:03 am]

BILLING CODE 7590-01-M

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON FLUID DYNAMICS

Notice of Meeting

The ACRS Subcommittee on Fluid Dynamics will hold a meeting on August 19–20, 1980 at the Airport Park Hotel, 600 Avenue of Champions, Inglewood, CA to review the control rod drive (CRD) insertion failure at the Browns Perry Nuclear Power Plant and scram discharge volume instrumentation failures at the Brunswick and Hatch Nuclear Power Plants. Notice of this meeting was published July 25, 1980.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1979, (44 FR 56408), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary information. One or more closed sessions may be necessary to discuss such information. (Sunshine Act Exemption 4). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Tuesday and Wednesday, August 19 and 20, 1980 8:30 a.m. until the conclusion of business each day.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information about topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Dr. Andrew L. Bates (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EDT.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect propietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: July 29, 1980.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 80-23219 Filed 8-1-80; 8:45 am]

BILLING CODE 7590-01-M

NUCLEAR SAFETY OVERSIGHT COMMITTEE

Notice of Open Meeting

July 30, 1980

The Nuclear Safety Oversight Committee (NSOC) will meet from 9:00 am to 12:00 noon and from 1:30 pm to 5:00 pm on August 18, 1980 in Room 2008 of the New Executive Office Building (NEOB), and from 9:00 am to 12:00 noon and from 1:30 pm to 5:00 pm on August 19, 1980 in Room 2010 NEOB. The NEOB is located on the southeast corner of 17th Street and Pennsylvania Avenue, N.W. in Washington, D.C. The public entrance to the building is on 17th St. between Pennsylvania Avenue and H Street, N.W.

The Committee was established by Executive Order 12202 on March 18, 1980, in response to the recommendations of the President's Commission on the Accident at Three Mile Island (the Kemeny Commission). Generally, the Committee is responsible for monitoring the progress of the utilities and their suppliers, the Nuclear Regulatory Commission, other federal agencies, and state and local authorities in implementing the Kemeny Commission's recommendations and in improving the safety of nuclear power. The Committee will report periodically to the President and the public on its findings. Thus far the Committee has held two meetings, on May 18, 1980 in Pasadena, California and on July 28 and 29, 1980 in Washington, D.C., which considered testimony and discussion in a number of areas including: (1) the nature of the Committee's responsibilities as set forth in Executive Order 12202 of March 18, 1980 creating the Committee; (2) the Nuclear Regulatory Commission's (NRC) "Action Plan Developed as a Result of the TMI–2 Accident," designated NUREG–0660 and available through the Document Management Branch, Division of Technical Information and Document Control, NRC, Washington, D.C. 20555; and (3) the procedure utilized in the federal decision-making process as it relates to nuclear safety and public and private participation. In addition, the Committee undertook an information-gathering tour, on June 30 and July 1, 1980, to the Institute of Nuclear Power Operations (INPO) in Atlanta, Georgia, the Savannah River Nuclear Power Installation in Aiken, South Carolina and the Duke Power Company in Charlotte, North Carolina.

During the meeting the Committee will receive testimony and, when appropriate, written materials and documents, concerning five substantive matters: (1) the NRC "Action Plan," referred to in the previous paragraph; (2) emergency radiological planning and preparedness; (3) the training and education of reactor operators; (4) the status of generic safety issues; and (5) the nature of the NSOC's responsibility under Executive Order 12202. Testimony on these five matters will be received from a number of individuals specifically invited by the Committee, including the following:

Victor Gilinsky, Commissioner, Nuclear Regulatory Commission

Joseph Hendrie, Commissioner, Nuclear Regulatory Commission

John Macy, Director, Federal Emergency Management Agency

John McConnell and Sheldon Schwartz, Office of Population Preparedness, Federal Emergency Management Agency

In addition to these substantive matters, the Committee will review and discuss, as a group, certain aspects of its operating procedures, its working agenda and the follwing substantive matters: (1) the form and content of a

study workshop on the training and education of reactor operators; (2) a staff paper on the modification of the role of the NRC's Advisory Committee on Reactor Safeguards; (3) a staff paper on the present state of legislation affecting NRC's authority; (4) a staff assessment of the appropriate methodology for examining the NRC's Action plan, and (5) a methodology for examining emergency radiological planning and preparedness.

The meeting will be open to public observation. Written comments or statements by the Public may be submitted at anytime before or after the meeting and should be related to the substantive matters identified above. Approximately 60 seats will be available for the public on a first come, first serve basis. Minutes of the meeting will be available 30 days thereafter and may be examined within the Committee's office at 1133 15th Street, N.W., Suite 307, Washington, D.C. 20005.

For further information contact Margo von Kaenel, Executive Assistant at (202) 653-8468.

Margo W. von Kaenel,

Executive Assistant.

[FR Doc. 80-23364 Filed 8-1-80; 8:45 am]

BILLING CODE 6820-01-M

PRESIDENT'S COMMISSION ON PENSION POLICY

Dissemination of Federal Information

In accordance with Office of Management and Budget Circular No. A—"Improved Management and Dissemination of Federal Information" published in the **Federal Register** on June 9, 1980, the President's Commission on Pension Policy issues this notice to the public on how they can get access to information held by the Commission which is subject to release.

The Commission was established by Executive Order and continued by Pub. L. 96-14, enacted on May 24, 1979, to conduct a two-year review of retirement income programs in this country and to develop national policies for those programs which can be used as guidelines by the public and private sectors.

During the first year of its work and research, the Commission issued a number of working papers which discuss issues they have under consideration. On May 25, an interim report was issued to the President and the Congress. Listed below is a complete list of the papers released so far. Copies are available from the National Technical Information Service and the Superintendent of Documents, Government Printing Office. Purchase numbers for papers obtained from the Superintendent of Documents are in parenthesis while the purchase numbers from the NTIS are prefixed PB.

Kurz, Mordecai and Avrin, Marcy. *Private Pensions and Capital Formation,* September 1979. (040-000-00413-1) PB 80 176514.

Ibid. Social Security and Capital Formation: the Funding Controversy, September 1979. (040-000-00414-9) PB 80 176522.

Ibid. Technical Paper: the Funding Issue and Modern Growth Theory, September 1979. (040-000-00415-7) PB 80 176506.

Lapkoff, Shelley. *Working Women, Marriage, and Retirement,* July 1980.

Mares, Judith. *The Use of Pension Fund Capital: Its Social and Economic Implications—Some Background Issues,* November 1979. (040-000-00416-5) PB 80 176498.

Meier, Elizabeth L. *Employment of Older Workers: Disincentives and Incentives,* April 1980. (042-000-00425-4)

Meier, Elizabeth L. and Dittmar, Cynthia C. *Varieties of Retirement Ages,* November, 1979. (040-000-00417-3) PB 80 176548.

Meier, Elizabeth L. and Torrey, Barbara Boyle. *Retirement Income Goals,* March 1980. (040-000-00422-0) PB 176530.

Torrey, Barbara Boyle. *Demographic Shifts and Projections; the Implications for Pension Systems.* August 1979 (040-000-00412-2)

Torrey, Barbara Boyle and Thompson, Carole J. *An International Comparison of Pension Systems,* March 1980. (040-000-00421-1) PB 80 176480.

The mailing addresses are: Superintendent of Documents, Washington, D.C. 20402 and National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22161.

The Commission also publishes a quarterly newsletter summarizing its work.

Requests for information should be addressed to the Office of Public Affairs, President's Commission on Pension Policy, 736 Jackson Place, N.W., Washington, D.C. 20006. The Commission's telephone number is (202) 395-5132.

Signed at Washington, D.C., this 29th day of July, 1980.

Thomas C. Woodruff,

Executive Director.

[FR Doc. 80-23240 Filed 8-1-80; 8:45 am]

BILLING CODE 6810-99-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 16986A; (SR-Amex-80-13)]

American Stock Exchange, Inc.; Order Staying Effectiveness of Proposed Rule Change

July 28, 1980.

On July 18, 1980, Securities Exchange Act, 86 Trinity Place, New York, New York 1006, Release No. 16986 was issued approving a proposed rule change by the American Stock Exchange, Inc. (SR-Amex-80-13) to amend the exchange's Constitution and rules to eliminate the requirement that the principal purpose of every member and member organization be the transaction of business as a broker or dealer in securities.

The effective date of this approval has been stayed until notice is filed by the exchange that its membership has approved the proposed rule change, thereby completing all action required for effectiveness.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-23385 Filed 8-1-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 17019]

Filing of Proposed Amendment to the Consolidated Tape Plan by the Consolidated Tape Association

July 29, 1980.

The Consolidated Tape Association ("CTA") submitted on July 2, 1980, a proposed amendment to the Joint Industry Plan ("Plan") governing the consolidated transaction reporting system ("consolidated system"). The proposed amendment was filed with the Commission pursuant to Section 11A(a)(3)(B) of the Securities Exchange Act of 1934 [1] ("Act") and Rule 11Aa3-1 thereunder.[2] The proposed amendment would conform the Plan to the requirements of Rule 11Aa3-1 under the Act.

The amendment would provide that vendors could retransmit, on a current and continuing basis, the data stream of transaction reports contained in the consolidated system for purposes of creating a moving ticker display. The amendment also would modify the CTA's schedules of charges in order to reflect the fees to be paid by subscribers who receive retransmitted information.

[1] 15 U.S.C. § 78k-1(a)(3)(B) (1977).

[2] 17 CFR 240.11Aa3-1.

As proposed to be modified, the Network A ticker display charge for retransmitted information would be $77 per month for the first unit, and $4 for each additional unit (the current Network A ticker display charge is $93 for the first unit, and $4 for each additional unit and would not be modified), and the Network B retransmitted ticker display charge for retransmitted information would be $26 per month for the first unit and $11 for each additional unit (the current Network B ticker display charge is $42 for the first unit, and $11 for each additional unit and would not be modified).

Publication of the submission is expected to be made in the **Federal Register** during the week of August 4, 1980. In order to assist the Commission in determining whether to approve the proposed amendment, interested persons are invited to submit written data, views and arguments on the submission within 45 days from the date of publication in the **Federal Register**. Copies of the submission, all subsequent changes, all written statements regarding the proposed amendment which are filed with the Commission, and all written communications relating to the proposed amendment between the Commission and any person, other than those which may be withheld from the public,[3] will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. 20549. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All such communications should refer to File No. S7–433.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.[4]

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-23384 Filed 8-1-80; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 80-89]

Equipment, Construction, and Materials

AGENCY: Coast Guard, DOT.

ACTION: Approval notice.

[3] *See* Section 24(b) of the Act.

[4] 17 CFR 200.30-3(a)(27).

1. Certain laws and regulations (46 CFR Chapter 1) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of the types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals and certifications have been granted or modified as herein described during the period from 10 August 1979 to 6 May 1980 (List No. 2–80). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

Self-Contained Breathing Apparatus

Approval No. 160.011/42/1, M–S–A Air Mask, demand type, with Clearvue Facepiece and Cleartone Speaking Diaphragm, Part No. 95066 and Ultravue Facepiece, Part No. 457153, self-contained one-half hour compressed air breathing apparatus, at least one extra fully charged cylinder of breathing air to be included as part of the complete unit, manufactured by Mine Safety Appliances Co., 201 North Braddock Avenue, Pittsburgh, PA 15208, effective 1 April 1980. (It reinstates and supersedes Approval No. 160.011/42/1, terminated 22 January 1980.)

Lifeboat Winch

Approval No. 160.015/91/1, Lifeboat winch, Type GPD–63; approval limited to mechanical components only, and for a maximum working load of 6,300 lbs. pull at the drums (3,150 lbs. per fall), manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, NJ 07727, effective 24 April 1980. (It is an extension of Approval No. 160.015/91/1 dated 17 July 1975.)

Ladder, Embarkation-Debarkation

Approval No. 160.017/41/0, Master Safety Ladder, Model No. 1005A, Type II embarkation-debarkation ladder, chain suspension (8–0 lock link chain) steel ears, approval is limited to ladders 80 feet or less in length, manufactured by Roberton and Schwartz, Inc., 2550 9th Street, Berkeley, CA 94710, effective 28 April 1980. (It is an extension of Approval No. 160.017/41/0 dated 11 April 1975.)

Life Raft

Approval No. 160.018/16/0, Type "B" MK2, life raft, for other than ocean and coastwise service, 9.58′×8.0′×2.33′, in 18 person capacity, with polyurethane foamed, fibrous glass reinforced plastic tanks, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, NJ 07727, effective 24 April 1980. (It is an extension of Approval No. 160.018/16/0 dated 18 July 1975.)

Container For Emergency Provisions

Approval No. 160.026/37/0, Container for emergency provisions for lifeboats and life rafts, manufactured by F & L Packing Corp., 681 Main St., Belleville, NJ 07109, effective 11 April 1980. (It is an extension of Approval No. 160.026/37/0 dated 11 April 1975.)

Life Float

Approval No. 160.027/82/0, 49.50″×35.75″ (8.0″×9.75″ body section), Model LF 6 life float, 6 person capacity, urethane core, fibrous glass reinforced plastic cover, manufactured by Billy Pugh Co., Inc., P.O. Box 802, Corpus Christi, TX 78403, effective 1 April 1980.

Approval No. 160.027/83/0, 72.50″×55.50″ (8.50″×10.875″ body section), Model LF 12 life float, 12 person capacity, urethane core, fibrous glass reinforced plastic cover, manufactured by Billy Pugh Co., Inc., P.O Box 802, Corpus Christi, TX 78403 effective 21 April 1980.

Lifeboat Davit

Approval No. 160.032/176/1, Gravity pivot davit, Type GPD–63; approved for a maximum working load of 12,000 lbs. per set (6,300 lbs. per davit arm) using 2-part falls, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, NJ 07727, effective 24 April 1980. (It is an extension of Approval No. 160.032/176/1 dated 17 July 1975.)

Approval No. 160.032/186/1, Gravity davit, Carroll Type CG–150–P, approved for a maximum working load of 15,000

lbs. per set (7,500 lbs. per arm) using 2-part falls, manufactured by Lake Shore, Inc., Welin Boat and Davit Divisions, P.O. Box 809, Iron Mountain, MI 49801, effective 24 April 1980. (It supersedes Approval No. 160.032/186/1 dated 21 July 1975).

Approval No. 160.032/235/0, Type FL 2802 fixed (outrigger) gravity davit; approved for a maximum working load of 11,000 lbs. using a single-part fall, manufactured by Whittaker Corp., 5159 Baltimore Drive, La Mesa, CA 92041, effective 2 April 1980.

Approval No. 160.032/236/0, Type PL 5000 fixed (outrigger) gravity davit; approved for a maximum working load of 18,000 lbs. using a single-part fall, manufactured by Whittaker Corp., 5159 Baltimore Drive, La Mesa, CA 92041, effective date 2 April 1980.

Hand-Propelling Gear for Lifeboat

Approval No. 160.034/18/0, Type M, hand-propelled gear, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, NJ 07727, effective 31 March 1980. (It is an extension of Approval No. 160.034/18/0 dated 7 November 1974.)

Lifeboat

Approval No. 160.035/498/0, 23.97' x 8.0' x 3.48' fibrous glass reinforced plastic lifeboat, oar propelled, 37 person capacity, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, NJ 07727, effective 26 March 1980.

Jackknife (With Can Opener)

Approval No. 160.043/1/0, Type S702 jackknife (with can opener), manufactured by Camillus Cutlery Co., Camillus, NY 13031, effective 24 April 1980. (It is an extension of Approval No. 160.043/1/0 dated 21 July 1975.)

Kapok Buoyant Cushions

Approval No. 160.048/11/0, Group approval for rectangular and trapezoidal kapok buoyant cushions, Type IV PFD, manufactured by Gladding Corp., Flotation Div., P.O. Box 8277, Station A, Greenville, SC 29604, effective 3 April 1980. (It is an extension of Approval No. 160.048/11/0 dated 14 February 1975.)

Unicellular Plastic Foam Buoyant Cushions

Approval No. 160.049/261/1, Special approval for a 16" x 16" x 2½" plastic foam rectangular cushion, Model No. BC–1, Type IV PFD, manufactured by Aquaguard Martin Industries, 302 North Midway Street, P.O. Box 423, Clayton, AL 36016, effective 20 February 1980.

Unicellular Plastic Foam Ring Life Buoy

Approval No. 160.050/88/1, 20 inch unicellular plastic foam ring life buoy, Type IV PFD, manufactured by The Massalite Co., Box 214, Winnetka, IL 60093, effective 17 April 1980. (It supersedes and extends Approval No. 160.050/88/0 dated 3 May 1976 to show revision.)

Approval No. 160.050/89/1, 24 inch unicellular plastic foam ring life buoy, Type IV PFD, manufactured by The Massalite Co., Box 214, Winnetka, IL 60093, effective 16 April 1980. (It supersedes and extends Approval No. 160.050/89/0 dated 3 May 1976 to show revision.)

Approval No. 160.050/90/1, 30 inch unicellular plastic foam ring life buoy, Type IV PFD, manufactured by The Massalite Co., Box 214, Winnetka, IL 60093, effective 16 April 1980. (It supersedes and extends Approval No. 160.050/90/0 dated 3 May 1976 to show revision.)

Inflatable Life Raft

Approval No. 160.051/83/1, 25 person inflatable life raft, Type MC MK 3 (davit-launched) with limited service equipment, manufactured by B.F. Goodrich Co., Engineered Products Group, Union, WV 24983, effective 15 April 1980. (It supersedes Approval No. 160.051/83/0 dated 19 June 1975 to show design revisions.)

Approval No. 160.051/113/0, 25 person inflatable life raft, Type MC MK 3 (davit-launched) with ocean service equipment, manufactured by B.F. Goodrich, Engineered Products Group, Union, WV 24983, effective 15 April 1980.

Approval No. 160.051/114/0, 10 person inflatable life raft with torroidal stabilizing device, manufactured by Switlik Parachute Co., Inc., 1325 East State Street, Trenton, NJ 08607, effective 7 May 1980.

Unicellular Plastic Foam Life Preserver

Approval No. 160.055/102/1, Adult, Model No. 40–1025, non-standard cloth covered unicellular plastic foam life jacket, Type V PFD, manufactured by Maravia Corp., 857 Thornton Street, San Leandro, CA 94577, effective 10 April 1980. (It supersedes Approval No. 160.055/102/0 dated 3 June 1976 to show revision to construction.)

15 Minute Floating Orange Smoke Signal

Approval No. 160.057/3/0, Floating orange smoke 15 minute distress signal, manufactured by Kilgore Corp., Toone, Tennessee 38381, effective 31 March 1980. (It is an extension of Approval No. 160.057/3/0 dated 30 December 1974.)

Desalter Kit

Approval No. 160.058/2/0, desalter kit, sea water, Mark 2, Van Brode Milling Co., Inc., Part No. Type VB–101B, manufactured by Van Brode Milling Co., Inc., Clinton, MA 01510, effective 24 April 1980. (It is an extension of Approval No. 160.058/2/0 dated 30 July 1975.)

Fishing Tackle Kit

Approval No. 160.061/2/0, Model FK-3E85 emergency fishing tackle kit, manufactured by Monroe Industries, Inc., P.O. Box 894, New Haven, CT 06504, effective 24 April 1980. (It is an extension of Approval No. 160.061/2/0 dated 9 June 1975.)

Marine Buoyant Device

Approval No. 160.064/121/1, Adult Small, Model No. 63262 SML, Type III PFD, manufactured by Ero Industries, Inc. for Sears, Roebuck and Co., Dept. 606, Sears Tower, Chicago, IL 60684, effective 3 April 1980. (It is an extension of Approval No. 160.064/121/1 dated 31 December 1974 to show change in address.)

Approval No. 160.064/122/1, Adult Medium, Model No. 63262 MED, Type III PFD, manufactured by Ero Industries, Inc. for Sears, Roebuck and Co., Dept. 606, Sears Tower, Chicago, IL 60684, effective 3 April 1980. (It is an extension of Approval No. 160.064/122/1 dated 31 December 1974 to show change of address.)

Approval No. 160.064/123/1, Adult Large, Model No. 63262 LGE, Type III PFD, manufactured by Ero Industries, Inc. for Sears, Roebuck and Co., Dept. 606, Sears Tower, Chicago, IL 60684, effective 3 April 1980. (It is an extension of Approval No. 160.064/123/1 dated 31 December 1975 to show change in address.)

Approval No. 160.064/190/0, Adult X-Small, Model No. 63262 XSML, Type III PFD, manufactured by Ero Industries, Inc. for Sears, Roebuck and Co., Dept. 606, Sears Tower, Chicago, IL 60684, effective 3 April 1980. (It is an extension of Approval No. 160.064/190/1 dated 31 December 1974 to show change of address.)

Approval No. 160.064/219/1, Adult Medium, Model No. 101V or 201, Type III PFD, manufactured by America's Cup, Inc., 1443 Potrero, So. El Monte, CA 91733, effective 26 March 1980. (It supersedes Approval No. 160.064/219/1 dated 3 March 1975 to show change in model number.)

Approval No. 160.064/220/1, Adult Large/X-Large, Model No. 101V or 201, Type III PFD, manufactured by America's Cup, Inc., 1443 Potrero, So. El

Monte, CA 91733, effective 26 March 1980. (It supersedes Approval No. 160.064/220/1 dated 3 March 1975 to show change in model number.)

Approval No. 160.064/221/0, Adult Small, Model No. 1100, 1100SS, or 404, Type III PFD, manufactured by America's Cup, Inc., 1443 Potrero, So. El Monte, CA 91733, effective 26 March 1980. (It supersedes Approval No. 160.064/221/0 dated 3 March 1975 to show change in model number.)

Approval No. 160.064/222/0, Adult Medium, Model No. 1100, 1100SS, or 404, Type III PFD, manufactured by America's Cup, Inc., 1443 Potrero, So. El Monte, CA 91733, effective 26 March 1980. (It supersedes Approval No. 160.064/222/0 dated 3 March 1975 to show change in model number.)

Approval No. 160.064/223/0, Adult Large, Model No. 1100, 1100SS, or 404, Type III PFD, manufactured by America's Cup, Inc., 1443 Potrero, So. El Monte, CA 91733, effective 26 March 1980. (It supersedes Approval No. 160.064/223/0 dated 3 March 1975 to show change in model number.)

Approval No. 160.064/224/0, Adult X-Large, Model No. 1100, 1100SS, or 404, Type III PFD, manufactured by America's Cup, Inc., 1443 Potrero, So. El Monte, CA 91733, effective 25 March 1980. (It supersedes Approval No. 160.064/224/0 dated 3 March 1975 to show change in model number.)

Approval No. 160.064/278/2, Adult Small, Model No. 63272 Small, Type III PFD, manufactured by Ero Industries, Inc., for Sears, Roebuck and Co., 606, Sears Tower, Chicago, IL 60684, effective 3 April 1980. (It is an extension of Approval No. 160.064/278/2 dated 31 December 1974 to show change in address.)

Approval No. 160.064/280/2, Adult Large, Model No. 63272 LGE, Type III PFD, manufactured by Ero Industries, Inc., for Sears, Roebuck and Co., 606, Sears Tower, Chicago, IL 60684, effective 3 April 1980. (It is an extension of Approval No. 160.064/280/2 dated 31 December 1974 to show change in address.)

Approval No. 160.064/400/0, Child Small, Model No. 101V or 201, Type III PFD, manufactured by America's Cup, Inc., 1443 Potrero, So. El Monte, CA 91733, effective 25 March 1980. (It supersedes Approval No. 160.064/400/0 dated 3 March 1975 to show change in model number.)

Approval No. 160.064/401/0, Youth Medium, Model No. 101V or 201, Type III PFD, manufactured by America's Cup, Inc., 1443 Potrero, So. El Monte, CA 91733, effective 25 March 1980. (It supersedes Approval No. 160.064/401/0 dated 3 March 1975 to show change in model number.)

Approval No. 160.064/402/0, Adult Small, Model No. 101V or 201, Type III PFD, manufactured by America's Cup, Inc., 1443 Potrero, So. El Monte, CA 91733, effective 25 March 1980. (It supersedes Approval No. 160.064/402/0 dated 3 March 1975 to show change in model number.)

Approval No. 160.064/403/0, Adult XX-Large, Model No. 101V or 201, Type III PFD, manufactured by America's Cup, Inc., 1443 Potrero, So. El Monte, CA 91733, effective 25 March 1980. (It supersedes Approval No. 160.064/403/0 dated 3 March 1975 to show change in model number.)

Approval No. 160.064/406/1, Child Medium, Model No. 63261, Type III PFD, manufactured by Ero Industries, Inc., for Sears, Roebuck and Co., Dept. 606, Sears Tower, Chicago, IL 60684, effective 3 April 1980. (It is an extension of Approval No. 160.064/406/1 dated 31 December 1974 to show change in address.)

Approval No. 160.064/407/1, Adult X-Large, Model No. 63263, Type III PFD, manufactured by Ero Industries, Inc., for Sears, Roebuck and Co., Dept. 606, Sears Tower, Chicago, IL 60684, effective 3 April 1980. (It is an extension of Approval No. 160.064/407/1 dated 31 December 1974 to show change in address.)

Approval No. 160.064/539/0, Adult Small, Model No. 1100, 1100SS, or 404, Type III PFD, manufactured by America's Cup, Inc., 1443 Potrero, So. El Monte, CA 91733, effective 25 March 1980. (It supersedes Approval No. 160.064/539/0 dated 3 March 1975 to show change in model number.)

Approval No. 160.064/633/0, Adult Small, Model No. 505, Type III PFD, manufactured by America's Cup, Inc., 1443 Potrero, So. El Monte, CA 91733, effective 25 March 1980. (It supersedes Approval No. 160.064/633/0 dated 3 March 1975 to show change in model number.)

Approval No. 160.064/634/0, Adult Medium, Model No. 505, Type III PFD, manufactured by America's Cup, Inc., 1443 Potrero, So. El Monte, CA 91733, effective 25 March 1980. (It supersedes Approval No. 160.064/634/0 dated 3 March 1975 to show change in model number.)

Approval No. 160.064/635/0, Adult Large, Model No. 505, Type III PFD, manufactured by America's Cup, Inc., 1443 Potrero, So. El Monte, CA 91733, effective 25 March 1980. (It supersedes Approval No. 160.064/635/0 dated 3 March 1975 to show change in model number.)

Approval No. 160.064/636/0, Child Medium, Model No. SKV–1, Type III PFD, manufactured by Fabrionics, Inc. for Nova Products, Inc., 205 Johnson Avenue, Carrollton, GA 30117, effective 6 March 1980.

Approval No. 160.064/640/0, Adult XX-Large, Model No. 1100, 1100SS, or 404, Type III PFD, manufactured by America's Cup, Inc., 1443 Potrero, So. El Monte, CA 91733, effective 25 March 1980. (It supersedes Approval No. 160.064/640/0 dated 3 March 1975 to show change in model number.)

Approval No. 160.064/682/0, Child Medium, Model No. SKV–1, Type III PFD, manufactured by Fabrionics, Inc. for Nova Products, Inc., 205 Johnson Avenue, Carrollton, GA 30117, effective 26 March 1980. (It supersedes Approval No. 160.064/682/0 dated 12 December 1979 to show correction in approval number.)

Approval No. 160.064/750/0, Adult X-Large, Model No. 505, Type III PFD, manufactured by America's Cup, Inc., 1443 Potrero, So. El Monte, CA 91733, effective 25 March 1980. (It supersedes Approval No. 160.064/750/0 dated 3 March 1975 to show change in model number.)

Approval No. 160.064/785/2, Child Small, Model No. 63261, Type III PFD, manufactured by Ero Industries, Inc., for Sears, Roebuck and Co., Dept. 606, Sears Tower, Chicago, IL 60684, effective 3 April 1980. (It supersedes. Approval No. 160.064/785/0 dated 30 November 1974 to show change in address and product's name.)

Approval No. 160.064/792/0, Child Medium (50 to 90 lbs.), Model Junior, Type III PFD, manufactured by Gladding Corp., P.O. Box 8277, Station A, Greenville, SC 29604, effective 3 April 1980. (It is an extension of Approval No. 160.064/792/0 dated 2 November 1975.)

Approval No. 160.064/793/0, Child Large (50 to 90 lbs.), Model Junior, Type III PFD, manufactured by Gladding Corp., P.O. Box 8277, Station A, Greenville, SC 29604, effective 3 April 1980. (It is an extension of Approval No. 160.064/793/0 dated 2 November 1975 to indicate change in size.)

Approval No. 160.064/817/0, Adult, Model No. 2A, Type III PFD, manufactured by Taylortec, Inc., 2549 Hickory Avenue, Metairie, LA 70003, effective 2 April 1980. (It is an extension of Approval No. 160.064/817/0 dated 1 March 1975.)

Approval No. 160.064/818/0, Child Medium (50 to 9 LVS.), Model No. 2M, Type III PFD, manufactured by Taylortec, Inc., 2549 Hickory Avenue, Metairie, LA 70003, effective 2 April 1980. (It is an extension of Approval No. 160.064/818/0 dated 1 March 1975.)

Approval No. 160.064/819/0, Child Small (30 to 50 lbs.), Model No. 2C, Type III PFD, manufactured by Taylortec, Inc., 2549 Hickory Avenue, Metairie, LA 70003, effective 2 April 1980. (It is an extension of Approval No. 160.064/819/0 dated 1 March 1975.)

Approval No. 160.064/939/0, Youth, Model No. 173137, Type III PFD, manufactured by Medalist Water Sports for OMC Parts and Accessories, A Div. of Outboard Marine Corp., McClure Street, Galesburg, IL 61401, effective 11 March 1980. (It supersedes Approval No. 160.064/939/0 dated 12 March 1976 to indicated details of device.)

Approval No. 160.064/940/0, Adult Medium, Model No. 173139, Type III PFD, manufactured by Medalist Water Sports for OMC Parts and Accessories, A Div. of Outboard Marine Corp., McClure Street, Galesburg, IL 61401, effective 11 March 1980. (It supersedes Approval No. 160.064/940/0 dated 12 March 1976 to indicate details of device.)

Approval No. 160.064/941/0, Adult Large, Model No. 173141, Type III PFD, manufactured by Medalist Water Sports for OMC Parts and Accessories, A Div. of Outboard Marine Corp., McClure Street, Galesburg, IL 61401, effective 11 March 1980. (It supersedes Approval No. 160.064/941/0 dated 12 March 1976 to indicate details of device.)

Approval No. 160.064/942/0, Adult X-Large, Model No. 173143, Type III PFD, manufactured by Medalist Water Sports for OMC Parts and Accessories, A Div. of Outboard Marine Corp., McClure Street, Galesburg, IL 61401, effective 11 March 1980. (It supersedes Approval No. 160.064/942/0 dated 12 March 1976 to indicate details of device.)

Approval No. 160.064/943/0, Adult XX-Large, Model No. 173145, Type III PFD, manufactured by Medalist Water Sports for OMC Parts and Accessories, A Div. of Outboard Marine Corp., McClure Street, Galesburg, IL 61401, effective 11 March 1980. (It supersedes Approval No. 160.064/943/0 dated 12 March 1976 to indicate details of device.)

Approval No. 160.064/944/0, Child Medium, Model No. 173197, Type III PFD, manufactured by Medalist Water Sports for OMC Parts and Accessories, A Div. of Outboard Marine Corp., McClure Street, Galesburg, IL 61401, effective 11 March 1980. (It supersedes Approval No. 160.064/944/0 dated 12 March 1976 to indicate details of device.)

Approval No. 160.064/945/0, Adult Medium, Model No. 173198, Type III PFD, manufactured by Medalist Water Sports for OMC Parts and Accessories, A Div. of Outboard Marine Corp., McClure Street, Galesburg, IL 61401, effective 12 March 1980. (It supersedes Approval No. 160.064/945/0 dated 12 March 1976 to indicate details of device.)

Approval No. 160.064/946/0, Adult Large, Model No. 173199, Type III PFD, manufactured by Medalist Water Sports for OMC Parts and Accessories, A Div. of Outboard Marine Corp., McClure Street, Galesburg, IL 61401, effective 11 March 1980. (It supersedes Approval No. 160.064/946/0 dated 12 March 1976 to indicate details of device.)

Approval No. 160.064/947/0, Adult X-Large, Model No. 173200, Type III PFD, manufactured by Medalist Water Sports for OMC Parts and Accessories, A Div. of Outboard Marine Corp., McClure Street, Galesburg, IL 61401, effective 11 March 1980. (It supersedes Approval No. 160.064/947/0 dated 12 March 1976 to indicate details of device.)

Approval No. 160.064/948/0, Adult XX-Large, Model No. 173201, Type III PFD, manufactured by Medalist Water Sports for OMC Parts and Accessories, A Div. of Outboard Marine Corp., McClure Street, Galesburg, IL 61401, effective 11 March 1980. (It supersedes Approval No. 160.064/948/0 dated 12 March 1976 to indicate details of device.)

Approval No. 160.064/949/0, Adult Ladies, Model No. 173202, Type III PFD, manufactured by Medalist Water Sports for OMC Parts and Accessories, A Div. of Outboard Marine Corp., McChure Street, Galesburg, IL 61401, effective 11 March 1980. (It supersedes Approval No. 160.064/949/0 dated 12 March 1976 to indicate details of device.)

Approval No. 160.064/950/0, Child Small (Pee Wee), Model No. 173167 or 173176, Type III PFD, manufactured by Medalist Water Sports for OMC Parts and Accessories, A Div. of Outboard Marine Corp., McClure Street, Galesburg, IL 61401, effective 18 March 1980. (It supersedes Approval No. 160.064/950/0 dated 12 March 1976 to indicate details of device.)

Approval No. 160.064/951/0, Child Small (Junior), Model No. 173168 or 173177, Type III PFD, manufactured by Medalist Water Sports for OMC Parts and Accessories, A Div. of Outboard Marine Corp., McClure Street, Galesburg, IL 61401, effective 18 March 1980. (It supersedes Approval No. 160.064/951/0 dated 13 March 1976 to indicate details of device.)

Approval No. 160.064/952/0, Youth (50 to 90 lbs.), Model No. 173169 or 173178, Type III PFD, manufactured by Medalist Water Sports for OMC Parts and Accessories, A Div. of Outboard Marine Corp., McClure Street, Galesburg, IL 61401, effective 18 March 1980. (It supersedes Approval No. 160.064/952/0 dated 12 March 1976 to indicate details of device.)

Approval No. 160.064/953/0, Adult Medium, Model No. 173170 or 173179, Type III PFD, manufactured by Medalist Water Sports for OMC Parts and Accessories, A Div. of Outboard Marine Corp., McClure Street, Galesburg, IL 61401, effective 18 March 1980. (It supersedes Approval No. 160.064/953/0 dated 13 March 1976 to indicate details of device.)

Approval No. 160.064/954/0, Adult Large, Model No. 173171 or 173180, Type III PFD, manufactured by Medalist Water Sports for OMC Parts and Accessories, A Div. of Outboard Marine Corp., McClure Street, Galesburg, IL 61401, effective 18 March 1980. (It supersedes Approval No. 160.064/954/0 dated 13 March 1976 to indicate details of device.)

Approval No. 160.064/955/0, Adult X-Large, Model No. 173172 or 172181, Type III PFD, manufactured by Medalist Water Sports for OMC Parts and Accessories, A Div. of Outboard Marine Corp., McClure Street, Galesburg, IL 61401, effective 18 March 1980. (It supersedes Approval No. 160.064/955/0 dated 13 March 1976 to indicate details of device.)

Approval No. 160.064/956/0, Adult XX-Large, Model No.173173 or 173183, Type III PFD, manufactured by Medalist Water Sports for OMC Parts and Accessories, A Div. of Outboard Marine Corp., McClure Street, Galesburg, IL 61401, effective 18 March 1980. (It supersedes Approval No. 160.064/956/0 dated 13 March 1976 to indicate details of device.)

Approval No. 160.064/957/0, Adult Medium, Model No. 173174 or 173183, Type III PFD, manufactured by Medalist Water Sports for OMC Parts and Accessories, A Div. of Outboard Marine Corp., McClure Street, Galesburg, IL 61401, effective 18 March 1980. (It supersedes Approval No. 160.064/957/0 dated 13 March 1976 to indicate details of device.)

Approval No. 160.064/958/0, Adult Large, Model No. 173175 or 173184, Type III PFD, manufactured by Medalist Water Sports for OMC Parts and Accessories, A Div. of Outboard Marine Corp., McClure Street, Galesburg, IL 61401, effective 25 March 1980. (It supersedes Approval No. 160.064/958/0 dated 13 March 1976 to indicate details of device.)

Approval No. 160.064/959/0, Adult Medium, Model No. 173193, Type III PFD, manufactured by Medalist Water Sports for OMC Parts and Accessories, A Div. of Outboard Marine Corp., McClure Street, Galesburg, IL 61401,

effective 25 March 1980. (It supersedes Approval No. 160.064/959/0 dated 13 March 1976 to indicate details of device.)

Approval No. 160.064/960/0, Adult Large, Model No. 173194, Type III PFD, manufactured by Medalist Water Sports for OMC Parts and Accessories, A Div. of Outboard Marine Corp., McClure Street, Galesburg, IL 61401, effective 25 March 1980. (It supersedes Approval No. 160.064/960/0 dated 13 March 1976 to indicate details of device.)

Approval No. 160.064/961/0, Adult X-Large, Model No. 173195, Type III PFD, manufactured by Medalist Water Sports for OMC Parts and Accessories, A Div. of Outboard Marine Corp., McClure Street, Galesburg, IL 61401, effective 25 March 1980. (It supersedes Approval No. 160.064/961/0 dated 13 March 1976 to indicate details of device.)

Approval No. 160.064/962/0, Adult XX-Large, Model No. 173196, Type III PFD, manufactured by Medalist Water Sports for OMC Parts and Accessories, A Div. of Outboard Marine Corp., McClure Street, Galesburg, IL 61401, effective 25 March 1980. (It supersedes Approval No. 160.064/962/0 dated 13 March 1976 to indicate details of device.)

Approval No. 160.064/963/0, Adult Medium, Model No. 173189 or 173185, Type III PFD, manufactured by Medalist Water Sports for OMC Parts and Accessories, A Div. of Outboard Marine Corp., McClure Street, Galesburg, IL 61401, effective 25 March 1980. (It supersedes Approval No. 160.064/963/0 dated 13 March 1976 to indicate details of device.)

Approval No. 160.064/964/0, Adult Large, Model No. 173190 or 173186, Type III PFD, manufactured by Medalist Water Sports for OMC Parts and Accessories, A Div. of Outboard Marine Corp., McClure Street, Galesburg, IL 61401, effective 25 March 1980. (It supersedes Approval No. 160.064/964/0 dated 13 March 1976 to indicate details of device.)

Approval No. 160.064/965/0, Adult X-Large, No. Model 173191 or 173187, Type III PFD, manufactured by Medalist Water Sports for OMC Parts and Accessories, A Div. of Outboard Marine Corp., McClure Street, Galesburg, IL 61401, effective 25 March 1980. (It supersedes Approval No. 160.064/965/0 dated 13 March 1976 to indicate details of device.)

Approval No. 160.064/966/0, Adult XX-Large, Model No. 173192 or 173188, Type III PFD, manufactured by Medalist Water Sports for OMC Parts and Accessories, A Div. of Outboard Marine Corp., McClure Street, Galesburg, IL 61401, effective 25 March 1980. (It supersedes Approval No. 160.064/966/0 dated 13 March 1976 to indicate details of device.)

Approval No. 160.064/1016/0, Adult, Model No. SKV–2A Type III PFD, manufactured by Fabrionics, Inc. for Nova Products, Inc., 205 Johnson Avenue, Carrollton, GA 30117, effective 6 March 1980.

Approval No. 160.064/1017/0, Adult, Model No. SKV–3A Type III PFD, manufactured by Fabrionics, Inc. for Nova Products, Inc., 205 Johnson Avenue, Carrollton, GA 30117, effective 6 March 1980.

Approval No. 160.064/1018/0, Adult, Model No. SKV–4A Type III PFD, manufactured by Fabrionics, Inc. for Nova Products, Inc., 205 Johnson Avenue, Carrollton, GA 30117, effective 6 March 1980.

Approval No. 160.064/1114/1, Child, Model No. 6038, Type III PFD, manufactured by Kent Sporting Goods Co. for Bass Pro Shops, 2023 S. Glenstone, Springfield, MO 65804, effective 20 February 1980. (It supersedes Approval NO. 160.064/1114/0 dated 14 May 1976 to indicate design change.)

Approval No. 160.064/1115/1, Youth, Model No. 6138, Type III PFD, manufactured by Kent Sporting Goods Co. for Bass Pro Shops, 2023 S. Glenstone, Springfield, MO 65804, effective 20 February 1980. (It supersedes Approval NO. 160.064/1115/0 dated 14 May 1976 to indicate design change.)

Approval No. 160.064/1116/1, Adult Small, Model No. 6538, Type III PFD, manufactured by Kent Sporting Goods Co. for Bass Pro Shops, 2023 S. Glenstone, Springfield, MO 65804, effective 20 February 1980. (It supersedes Approval NO. 160.064/1116/0 dated 14 May 1976 to indicate design change.)

Approval No. 160.064/1117/1, Adult Medium, Model No. 6638, Type III PFD, manufactured by Kent Sporting Goods Co. for Bass Pro Shops, 2023 S. Glenstone, Springfield, MO 65804, effective 20 February 1980. (It supersedes Approval NO. 160.064/1117/0 dated 14 May 1976 to indicate design change.)

Approval No. 160.064/1118/1, Adult Large, Model No. 6738, Type III PFD, manufactured by Kent Sporting Goods Co. for Bass Pro Shops, 2023 S. Glenstone, Springfield, MO 65804, effective 20 February 1980. (It supersedes Approval NO. 160.064/1118/0 dated 14 May 1976 to indicate design change.)

Approval No. 160.064/119/1, Adult X-Large, Model No. 6836, Type III PFD, manufactured by Kent Sporting Goods Co. for Bass Pro Shops, 2023 S. Glenstone, Springfield, MO 65804, effective 20 February 1980. (It supersedes Approval No. 160.064/11190/0 dated 14 May 1976 to indicate design change.)

Approval No. 160.064/1227/0, Adult Universal, Model No. 63153 or 63154, Type III PFD, manufactured by Ero Industries, Inc., for Sears, Roebuck and Co., Dept. 606, Sears Tower, Chicago, IL 60602, effective 1 April 1980.

Approval No. 160.064/1259/1, Adult X-Large, Model No. 7705, Type III PFD, manufactured by H. H. Bremen Mfg. Co. for Ero Industries, Inc., 189 West Madison Street, Chicago, IL 60602, effective 25 February 1980.

Approval No. 160.064/1260/1, Adult Large, Model No. 7710, Type III PFD, manufactured by H. H. Bremen Mfg. Co. for Ero Industries, Inc., 189 West Madison Street, Chicago, IL 60602, effective 25 February 1980.

Approval No. 160.064/1261/1, Adult Medium, Model No. 7715, Type III PFD, manufactured by H. H. Bremen Mfg. Co. for Ero Industries, Inc., 189 West Madison Street, Chicago, IL 60602, effective 25 February 1980.

Approval No. 160.064/1262/1, Adult Small, Model No. 7720, Type III PFD, manufactured by H. H. Bremen Mfg. Co. for Ero Industries, Inc., 189 West Madison Street, Chicago, IL 60602, effective 25 February 1980.

Approval No. 160.064/1263/0, Ladies Universal, Model No. 7730, Type III PFD, manufactured by H. H. Bremen Mfg. Co. for Ero Industries, Inc., 189 West Madison Street, Chicago, IL 60602, effective 25 February 1980.

Approval No. 160.064/1264/0, Child Medium, Model No. 7725, Type III PFD, manufactured by H. H. Bremen Mfg. Co. for Ero Industries, Inc., 189 West Madison Street, Chicago, IL 60602, effective 25 February 1980.

Approval No. 160.064/1265/0, Ladies Universal, Model No. 8018–16 or –20, Type III PFD, manufactured by H. H. Bremen Mfg. Co. for Kent Sporting Goods Co., 710 Orange Street, Ashland, OH 44805, effective 25 March 1980.

Approval No. 160.064/1266/1, Adult Large, Model No. 57815SKU006 or 51716SKU006, Type III PFD, manufactured by H. H. Bremen Mfg. Co. for Sears, Roebuck and Co., Dept. 606, Sears Tower, Chicago, IL 60684, effective 5 May 1980.

Approval No. 160.064/1267/1, Adult Medium, Model No. 57815SKU004 or 51816SKU004, Type III PFD, manufactured by H. H. Bremen Mfg. Co. for Sears, Roebuck and Co., Dept. 606, Sears Tower, Chicago, IL 60684, effective 5 May 1980.

Approval No. 160.064/1268/1, Adult Small, Model No. 57815SKU003 or 51816SKU003, Type III PFD, manufactured by H. H. Bremen Mfg. Co. for Sears, Roebuck and Co., Dept. 606, Sears Tower, Chicago, IL 60684, effective 5 May 1980.

Approval No. 160.064/1269/0, Adult Ladies Universal, Model No. 57821, Type III PFD, manufactured by H. H. Bremen Mfg. Co. for Sears, Roebuck and Co., Dept. 606, Sears Tower, Chicago, IL 60684, effective 27 March 1980.

Approval No. 160.064/1270/0, Child Medium, Model No. 57811, Type III PFD, manufactured by H. H. Bremen Mfg. Co. for Sears, Roebuck and Co., Dept. 606, Sears Tower, Chicago, IL 60684, effective 27 March 1980.

Approval No. 160.064/1271/1, Adult Small, Model No. 8318–16 or –20, Type III PFD, manufactured by H. H. Bremen Mfg. Co. for Kent Sporting Goods Co., 710 Orange Street, Ashland, OH 44805, effective 25 March 1980.

Approval No. 160.064/1272/1, Adult Medium, Model No. 8418–16 or –20, Type III PFD, manufactured by H. H. Bremen Mfg. Co. for Kent Sporting Goods Co., 710 Orange Street, Ashland, OH 44805, effective 25 March 1980.

Approval No. 160.064/1273/1, Adult Large, Model No. 8818–16 or –20, Type III PFD, manufactured by H. H. Bremen Mfg. Co. for Kent Sporting Goods Co., 710 Orange Street, Ashland, OH 44805, effective 25 March 1980.

Approval No. 160.064/1274/1, Adult X-Large, Model No. 8918–16 or –20, Type III PFD, manufactured by H. H. Bremen Mfg. Co. for Kent Sporting Goods Co., 710 Orange Street, Ashland, OH 44805, effective 25 March 1980.

Approval No. 160.064/1333/0, Adult Universal, Model No. 759, Type III PFD, manufactured by Fabrionics, Inc. for Buddy Schoellkopf Products, Inc., 4949 Joseph Hardin Drive, Dallas, TX 75236, effective 26 March 1980.

Approval No. 160.064/1334/0, Child Small (30 to 50 lbs.), Model No. S9762, Type III PFD, manufactured by Wellington Puritan Mills, Inc. for World Team Mfg., 25 Pamaron Way, Novato, CA 94947, effective 21 April 1980.

Approval No. 160.064/1335/0, Adult Small, Model No. S9763, Type III PFD, manufactured by Wellington Puritan Mills, Inc. for World Team Mfg., 25 Pamaron Way, Novato, CA 94947, effective 21 April 1980.

Approval No. 160.064/1336/1, Adult Medium, Model No. S9764, Type III PFD, manufactured by Wellington Puritan Mills, Inc. for World Team Mfg., 25 Pamaron Way, Novato, CA 94947, effective 21 April 1980.

Approval No. 160.064/1337/1, Adult Large, Model No. S9765, Type III PFD, manufactured by Wellington Puritan Mills, Inc. for World Team Mfg., 25 Pamaron Way, Novato, CA 94947, effective 21 April 1980.

Approval No. 160.064/1338/1, Adult X-Large, Model No. S9766, Type III PFD, manufactured by Wellington Puritan Mills, Inc. for World Team Mfg., 25 Pamaron Way, Novato, CA 94947, effective 21 April 1980.

Approval No. 160.064/1355/1, Adult X-Small, Model No. 200SX, Type III PFD, manufactured by Texas Recreation Corp., for O'Brien International, Div. of Coleman Co., 14615 N.E. 91st Street, Redmond, WA 98052, effective 21 April 1980. (It supersedes Approval No. 160.064/1355/0 dated 11 October 1977 to show design revision.)

Approval No. 160.064/1356/1, Adult Small, Model No. 200S, Type III PFD, manufactured by Texas Recreation Corp., for O'Brien International, Div. of Coleman Co., 14615 N.E. 91st Street, Redmond, WA 98052, effective 21 April 1980. (It supersedes Approval No. 160.064/1356/1 dated 11 October 1977 to show design revision.)

Approval No. 160.064/1357/1, Adult Medium, Model No. 200M, Type III PFD, manufactured by Texas Recreation Corp., for O'Brien International, Div. of Coleman Co., 14615 N.E. 91st Street, Redmond, WA 98052, effective 21 April 71980. (It supersedes Approval No. 160.064/1357/0 dated 11 October 1977 to show design revision.)

Approval No. 160.064/1358/1, Adult Large, Model No. 200L, Type III PFD, manufactured by Texas Recreation Corp., for O'Brien International, Div. of Coleman Co., 14615 N.E. 91st Street, Redmond, WA 98052, effective 21 April 1980. (It supersedes Approval No. 160.064/1358/0 dated 11 October 1977 to show design revision.)

Approval No. 160.064/1422/0, Adult Universal, Model No. 63137 or 63139, Type III PFD, manufactured by Ero Industries, Inc. for Sears, Roebuck and Co., Dept. 606, Sears Tower, Chicago, IL 60684, effective 1 April 1980.

Approval No. 160.064/1436/0, Adult Universal, Model No. 63123, Type III PFD, manufactured by Ero Industries, Inc. for Sears, Roebuck and Co., Dept. 606, Sears Tower, Chicago, IL 60684, effective 1 April 1980.

Approval No. 160.064/1460/0, Child (30 to 50 lbs.), Type III PFD, manufactured by Float Gear, Inc. for the following companies: Southern Water Ski Co., P.O. Drawer M, Eloise, FL 33880, Model No. 6941, effective 7 April 1980, Taperflex of America, 558 Library Street, San Fernando, CA 91341, Model No. ANXS, effective 24 April 1980, Cypress Gardens Skis, P.O. Box 8, Cypress Gardens, FL 33880, Model No. 7607–7507, effective 20 February 1980, and Calfornia Water Sports, 1433 Daisy, Long Beach, CA 90813, Model No. TBCH, effective 20 February 1980.

Approval No. 160.064/1461/0, Youth Medium (50 to 90 lbs.), Type III PFD, manufactured by Float Gear, Inc. for the following companies: Southern Water Ski Co., P.O. Drawer M, Eloise, FL 33880, Model No. 6942, effective 7 April 1980, Taperflex of America, 558 Library Street, San Fernando, CA 91341, Model No. ANSS, effective 24 April 1980, Cypress Gardens Skis, P.O. Box 8, Cypress Gardens, FL 33880, Model No. 7608–7508, effective 20 February 1980, and Calfornia Water Sports, Inc., 1433 Daisy, Long Beach, CA 90813, Model No. TBY, effective 20 February 1980.

Approval No. 160.064/1462/0, Adult X-Small, Type III PFD, manufactured by Float Gear, Inc. for the following companies: Southern Water Ski Co., P.O. Drawer M, Eloise, FL 33880, Model No. 6943, effective 7 April 1980, Taperflex of America, 558 Library Street, San Fernando, CA 91341, Model No. ANMS or INMS, effective 24 April 1980, Cypress Gardens Skis, P.O. Box 8, Cypress Gardens, FL 33880, Model No. 7609–7509, effective 20 February 1980, and Calfornia Water Sports, Inc., 1433 Daisy, Long Beach, CA 90813, Model No. TBXS, effective 20 February 1980.

Approval No. 160.064/1463/0, Adult Small, Type III PFD, manufactured by Float Gear, Inc. for the following companies: Southern Water Ski Co., P.O. Drawer M, Eloise, FL 33880, Model No. 6944, effective 7 April 1980, Taperflex of America, 558 Library Street, San Fernando, CA 91341, Model No. ANS or INS, effective 24 April 1980, Cypress Gardens Skis, P.O. Box 8, Cypress Gardens, FL 33880, Model No. 7610–7510, effective 20 February 1980, and Calfornia Water Sports, Inc., 1433 Daisy, Long Beach, CA 90813, effective 20 February 1980.

Approval No. 160.064/1464/0, Adult Medium, Type III PFD, manufactured by Float Gear, Inc. for the following companies: Southern Water Ski Co., P.O. Drawer M, Eloise, FL 33880, Model No. 6945, effective 7 April 1980, Taperflex of America, 558 Library Street, San Fernando, CA 91341, Model No. ANM or INM, effective 24 April 1980, Cypress Gardens Skis, P.O. Box 8, Cypress Gardens, FL 33880, Model No. 7611–7511, effective 20 February 1980, and Calfornia Water Sports, Inc., 1433 Daisy, Long Beach, CA 90813, Model No. TBM, effective 20 February 1980.

Approval No. 160.064/1465/0, Adult Large, Type III PFD, manufactured by Float Gear, Inc. for the following companies: Southern Water Ski Co., P.O. Drawer M, Eloise, FL 33880, Model No.

6946, effective 7 April 1980, Taperflex of America, 558 Library Street, San Fernando, CA 91341, Model No. ANL or INL, effective 24 April 1980, Cypress Gardens Skis, P.O. Box 8, Cypress Gardens, FL 33880, Model No. 7612–7512, effective 20 February 1980, and Calfornia Water Sports, Inc., 1433 Daisy, Long Beach, CA 90813, Model No. TBL, effective 20 February 1980.

Approval No. 160.064/1466/0, Adult X-Large, Type III PFD, manufactured by Float Gear, Inc. for the following companies: Southern Water Ski Co., P.O. Drawer M, Eloise, FL 33880, Model No. 6947, effective 7 April 1980, Taperflex of America, 558 Library Street, San Fernando, CA 91341, Model No. ANXL or INXL, effective 24 April 1980, Cypress Gardens Skis, P.O. Box 8, Cypress Gardens, FL 33880, Model No. 7613–7513, effective 20 February 1980, and Calfornia Water Sports, Inc., 1433 Daisy, Long Beach, CA 90813, Model No. TBXL, effective 20 February 1980.

Approval No. 160.064/1485/0, Adult X-Small, Model No. 101, Type III PFD, manufactured by H. H. Bremen Mfg. Co. for Ettinger Enterprises, 5310 Lance Drive, Knoxville, TN 37919, effective 25 February 1980.

Approval No. 160.064/1486/0, Adult Small, Model No. 102, Type III PFD, manufactured by H. H. Bremen Mfg. Co. for Ettinger Enterprises, 5310 Lance Drive, Knoxville, TN 37919, effective 25 February 1980.

Approval No. 160.064/1487/0, Adult Medium, Model No. 103, Type III PFD, manufactured by H. H. Bremen Mfg. Co. for Ettinger Enterprises, 5310 Lance Drive, Knoxville, TN 37919, effective 25 February 1980.

Approval No. 160.064/1488/0, Adult Large, Model No. 104, Type III PFD, manufactured by H. H. Bremen Mfg. Co. for Ettinger Enterprises, 5310 Lance Drive, Knoxville, TN 37919, effective 25 February 1980.

Approval No. 160.064/1489/0, Adult X-Large, Model No. 105, Type III PFD, manufactured by H. H. Bremen Mfg. Co. for Ettinger Enterprises, 5310 Lance Drive, Knoxville, TN 37919, effective 25 February 1980.

Approval No. 160.064/1490/0, Adult XX-Large, Model No. 106, Type III PFD, manufactured by H. H. Bremen Mfg. Co. for Ettinger Enterprises, 5310 Lance Drive, Knoxville, TN 37919, effective 25 February 1980.

Approval No. 160.064/1491/0, Adult Small, Model No. 63193, Type III PFD, manufactured by Ero Industries, Inc. for Sears, Roebuck and Co., Dept. 606, Sears Tower, Chicago, IL 60684, effective 2 April 1980.

Approval No. 160.064/1492/0, Adult Medium, Model No. 63193, Type III PFD, manufactured by Ero Industries, Inc. for Sears, Roebuck and Co., Dept. 606, Sears Tower, Chicago, IL 60684, effective 2 April 1980.

Approval No. 160.064/1493/0, Adult Large, Model No. 63193, Type III PFD, manufactured by Ero Industries, Inc. for Sears, Roebuck and Co., Dept. 606, Sears Tower, Chicago, IL 60684, effective 2 April 1980.

Approval No. 160.064/1496/0, Child Small, Model No. 63126, Type III PFD, manufactured by Ero Industries, Inc. for Sears, Roebuck and Co., Dept. 606, Sears Tower, Chicago, IL 60684, effective 1 April 1980.

Approval No. 160.064/1497/0, Child Medium, Model No. 63124, Type III PFD, manufactured by Ero Industries, Inc. for Sears, Roebuck and Co., Dept. 606, Sears Tower, Chicago, IL 60684, effective 1 April 1980.

Approval No. 160.064/1498/0, Adult Small, Model No. 57833, Type III PFD, manufactured by Ero Industries, Inc. for Sears, Roebuck and Co., Dept. 606, Sears Tower, Chicago, IL 60684, effective 1 April 1980.

Approval No. 160.064/1499/0, Adult Medium, Model No. 57833, Type III PFD, manufactured by Ero Industries, Inc. for Sears, Roebuck and Co., Dept. 606, Sears Tower, Chicago, IL 60684, effective 2 April 1980.

Approval No. 160.064/1500/0, Adult Large, Model No. 57833, Type III PFD, manufactured by Ero Industries, Inc. for Sears, Roebuck and Co., Dept. 606, Sears Tower, Chicago, IL 60684, effective 2 April 1980.

Approval No. 160.064/1501/0, Adult X-Large, Model No. 57833, Type III PFD, manufactured by Ero Industries, Inc. for Sears, Roebuck and Co., Dept. 606, Sears Tower, Chicago, IL 60684, effective 2 April 1980.

Approval No. 160.064/1513/0, Child (30 to 50 lbs.), Model No. 505A, Type III PFD, manufactured by Float Gear, Inc. for O'Brien International, Inc., Div. of Coleman Co., 14615 N.E. 91st Street, Redmond, WA 98052, effective 11 March 1980.

Approval No. 160.064/1514/0, Youth Medium (50 to 90 lbs.), Model No. 505A, Type III PFD, manufactured by Float Gear, Inc. for O'Brien International, Inc., Div. of Coleman Co., 14615 N.E. 91st Street, Redmond, WA 98052, effective 11 March 1980.

Approval No. 160.064/1515/0, Adult X-Small, Model No. 505A, Type III PFD, manufactured by Float Gear, Inc. for O'Brien International, Inc., Div. of Coleman Co., 14615 N.E. 91st Street, Redmond, WA 98052, effective 11 March 1980.

Approval No. 160.064/1516/0, Adult Small, Model No. 505A, Type III PFD, manufactured by Float Gear, Inc. for O'Brien International, Inc., Div. of Coleman Co., 14615 N.E. 91st Street, Redmond, WA 98052, effective 11 March 1980.

Approval No. 160.064/1517/0, Adult Medium, Model No. 505A, Type III PFD, manufactured by Float Gear, Inc. for O'Brien International, Inc., Div. of Coleman Co., 14615 N.E. 91st Street, Redmond, WA 98052, effective 11 March 1980.

Approval No. 160.064/1518/0, Adult Large, Model No. 505A, Type III PFD, manufactured by Float Gear, Inc. for O'Brien International, Inc., Div. of Coleman Co., 14615 N.E. 91st Street, Redmond, WA 98052, effective 11 March 1980.

Approval No. 160.064/1519/0, Adult X-Large, Model No. 505A, Type III PFD, manufactured by Float Gear, Inc. for O'Brien International, Inc., Div. of Coleman Co., 14615 N.E. 91st Street, Redmond, WA 98052, effective 11 March 1980.

Approval No. 160.064/1526/0, Adult, Model No. 7705A, Type III PFD, manufactured by Fabrionics, Inc. for Ero Industries, Inc., 189 West Madison Street, Chicago, IL 60602, effective 24 April 1980.

Approval No. 160.064/1529/0, Child (30 to 50 lbs.), Model No. 705G, Type III PFD, manufactured by Float Gear, Inc. for Vogue Ski Co., 9416 E. Gidley Avenue, Temple City, CA 91780, effective 22 April 1980.

Approval No. 160.064/1530/0, Youth Medium (50 to 90 lbs.) Model No. 705F, Type III PFD, manufactured by Float Gear, Inc. for Vogue Ski Co., 9416 E. Gidley Avenue, Temple City, CA 91780, effective 22 April 1980.

Approval No. 160.064/1531/0, Adult X-Small, Model No. 705E, Type III PFD, manufactured by Float Gear, Inc. for Vogue Ski Co., 9416 E. Gidley Avenue, Temple City, CA 91780, effective 22 April 1980.

Approval No. 160.064/1532/0, Adult Small, Model No. 705D, Type III PFD, manufactured by Float Gear, Inc. for Vogue Ski Co., 9416 E. Gidley Avenue, Temple City, CA 91780, effective 22 April 1980.

Approval No. 160.064/1533/0, Adult Medium, Model No. 705C, Type III PFD, manufactured by Float Gear, Inc. for Vogue Ski Co., 9416 E. Gidley Avenue, Temple City, CA 91780, effective 22 April 1980.

Approval No. 160.064/1534/0, Adult Large, Model No. 705B, Type III PFD, manufactured by Float Gear, Inc. for Vogue Ski Co., 9416 E. Gidley Avenue, Temple City, CA 91780, effective 22 April 1980.

Approval No. 160.064/1535/0, Adult X-Large, Model No. 705A, Type III PFD, manufactured by Float Gear, Inc. for Vogue Ski Co., 9416 E. Gidley Avenue, Temple City, CA 91780, effective 22 April 1980.

Approval No. 160.064/1547/0, Adult, Model No. SKV–6, Type III PFD, manufactured by Fabrionics, Inc. for Nova Products, Inc., 205 Johnson Avenue, Carrollton, GA 30117, effective 6 March 1980.

Approval No. 160.064/1548/0, Adult, Model No. SKV–7, Type III PFD, manufactured by Fabrionics, Inc. for Nova Products, Inc., 205 Johnson Avenue, Carrollton, GA 30117, effective 6 March 1980.

Approval No. 160.064/1549/0, Adult Small, Model No. 6900, Type III PFD, manufactured by Cypress Gardens Ski, Inc. for Southern Water Ski Co., P.O. Drawer M, Eloise, FL 33880, effective 7 April 1980.

Approval No. 160.064/1550/0, Adult Medium, Model No. 6900, Type III PFD, manufactured by Cypress Gardens Ski, Inc. for Southern Water Ski Co., P.O. Drawer M, Eloise, FL 33880, effective 7 April 1980.

Approval No. 160.064/1551/0, Adult Large, Model No. 6900, Type III PFD, manufactured by Cypress Gardens Ski, Inc. for Southern Water Ski Co., P.O. Drawer M, Eloise, FL 33880, effective 7 April 1980.

Approval No. 160.064/1552/0, Adult X-Large, Model No. 6900, Type III PFD, manufactured by Cypress Gardens Ski, Inc. for Southern Water Ski Co., P.O. Drawer M, Eloise, FL 33880, effective 7 April 1980.

Approval No. 160.064/1563/0, Adult, Model No. 7780, Type III PFD, manufactured by Fabrionics, Inc. for Ero Industries, Inc., 189 West Madison Street, Chicago, IL 60602, effective 24 April 1980.

Approval No. 160.064/1564/0, Adult, Model No. 7790, Type III PFD, manufactured by Fabrionics, Inc. for Ero Industries, Inc., 189 West Madison Street, Chicago, IL 60602, effective 24 April 1980.

Approval No. 160.064/1579/0, Adult Medium, Model No. 63141 or 63143, Type III PFD, manufactured by Ero Industries, Inc. for Sears, Roebuck and Co., Dept. 606, Sears Tower, Chicago, IL 60684, effective 2 April 1980.

Approval No. 160.064/1580/0, Adult Large, Model No. 63142 or 63144, Type III PFD, manufactured by Ero Industries, Inc. for Sears, Roebuck and Co., Dept. 606, Sears Tower, Chicago, IL 60684, effective 2 April 1980.

Approval No. 160.064/1606/0, Adult Small, Model No. D901, Type III PFD, manufactured by Soniform, Inc. for Duraflex Sports Products, Div. of UPM, Inc., 13245 Los Angelos Street, Baldwin Park, CA 91706, effective 25 February 1980.

Approval No. 160.064/1607/0, Adult Medium, Model No. D902, Type III PFD, manufactured by Soniform, Inc. for Duraflex Sports Products, Div. of UPM, Inc., 13245 Los Angelos Street, Baldwin Park, CA 91706, effective 25 February 1980.

Approval No. 160.064/1608/0, Adult Large, Model No. D903, Type III PFD, manufactured by Soniform, Inc. for Duraflex Sports Products, Div. of UPM, Inc., 13245 Los Angelos Street, Baldwin Park, CA 91706, effective 25 February 1980.

Approval No. 160.064/1609/0, Adult X-Large, Model No. D904, Type III PFD, manufactured by Soniform, Inc. for Duraflex Sports Products, Div. of UPM, Inc., 13245 Los Angelos Street, Baldwin Park, CA 91706, effective 25 February 1980.

Approval No. 160.064/1620/0, Child Medium, Model No. 14030A, Type III PFD, manufactured by Fabrionics, Inc. for Red Head Brand Corp., 4949 Joseph Hardin Drive, Dallas, TX 75236, effective 25 March 1980.

Approval No. 160.064/1621/0, Adult, Model No. 14031A, Type III PFD, manufactured by Fabrionics, Inc. for Red Head Brand Corp., 4949 Joseph Hardin Drive, Dallas, TX 75236, effective 25 March 1980.

Approval No. 160.064/1622/0, Adult, Model No. 14032A, Type III PFD, manufactured by Fabrionics, Inc. for Red Head Brand Corp., 4949 Joseph Hardin Drive, Dallas, TX 75236, effective 25 March 1980.

Approval No. 160.064/1623/0, Adult, Model No. 14033A, Type III PFD, manufactured by Fabrionics, Inc. for Red Head Brand Corp., 4949 Joseph Hardin Drive, Dallas, TX 75236, effective 25 March 1980.

Approval No. 160.064/1624/0, Adult, Model No. 14034A, Type III PFD, manufactured by Fabrionics, Inc. for Red Head Brand Corp., 4949 Joseph Hardin Drive, Dallas, TX 75236, effective 25 March 1980.

Approval No. 160.064/1625/0, Adult, Model No. 14035A, Type III PFD, manufactured by Fabrionics, Inc. for Red Head Brand Corp., 4949 Joseph Hardin Drive, Dallas, TX 75236, effective 25 March 1980.

Approval No. 160.064/1626/0, Adult, Model No. 6755A, Type III PFD, manufactured by Fabrionics, Inc. for Buddy Schoellkopf Products, Inc., 4949 Joseph Hardin Drive, Dallas, TX 75236, effective 26 March 1980.

Approval No. 160.064/1627/0, Adult, Model No. 6756A, Type III PFD, manufactured by Fabrionics, Inc. for Buddy Schoellkopf Products, Inc., 4949 Joseph Hardin Drive, Dallas, TX 75236, effective 26 March 1980.

Approval No. 160.064/1628/0, Adult, Model No. 6757A, Type III PFD, manufactured by Fabrionics, Inc. for Buddy Schoellkopf Products, Inc., 4949 Joseph Hardin Drive, Dallas, TX 75236, effective 26 March 1980.

Approval No. 160.064/1629/0, Adult, Model No. 6758A, Type III PFD, manufactured by Fabrionics, Inc. for Buddy Schoellkopf Products, Inc., 4949 Joseph Hardin Drive, Dallas, TX 75236, effective 26 March 1980.

Approval No. 1660/0, Youth (50 to 90 lbs.), Model No. 2001, Type III PFD, manufactured by H.H. Bremen Mfg. Co., Inc. for the following companies: Ero Industries, Inc., 189 West Madison Street, Chicago, IL 60602, effective 25 February 1980 and Sears, Roebuck, and Co., Dept. 606, Sears Tower, Chicago, IL 60684, effective 27 March 1980.

Approval No. 160.064/0, Adult Small, Model No. 2003, Type III PFD, manufactured by H.H. Bremen Mfg. Co., Inc. for the following companies: Ero Industries, Inc., 189 West Madison Street, Chicago, IL 60602, effective 25 February 1980 and Sears, Roebuck and Co., Dept. 606, Sears Tower, Chicago, IL 60684, effective 27 March 1980.

Approval No. 160.064/1662/0, Adult Medium, Model No. 2004, Type III PFD, manufactured by H.H. Bremen Mfg. Co., Inc. for the following companies: Ero Industries, Inc., 189 West Madison Street, Chicago, IL 60602, effective 25 February 1980 and Sears, Roebuck and Co., Dept. 606, Sears Tower, Chicago, IL 60684, effective 27 March 1980.

Approval No. 160.064/1663/0, Adult Large, Model No. 2005, Type III PFD, manufactured by H.H. Bremen Mfg. Co., Inc. for the following companies: Ero Industries, Inc., 189 West Madison Street, Chicago, IL 60602, effective 25 February 1980 and Sears, Roebuck and Co., Dept. 606, Sears Tower, Chicago, IL 60684, effective 27 March 1980.

Approval No. 160.064/1663/0, Adult X-Large, Model No. 2006, Type III PFD, manufactured by H.H. Bremen Mfg. Co., Inc. for Ero Industries, Inc., 189 West Madison Street, Chicago, IL 60602, effective 25 March 1980.

Approval No. 160.064/1680/0, Type (30 to 50 lbs.), Model No. RA–20, Type III PFD, manufactured by Omega Corp. for Riverside Associates, Francestown, NH, effective 26 March 1980.

Approval No. 160.064/1681/0, Youth (50 to 90 lbs.), Model No. RA–30, Type III PFD, manufactured by Omega Corp., Riverside Associates, Francestown, NH 03043, effective 26 March 1980.

Approval No. 160.064/1682/0, Adult Small, Model No. RA–40, Type III PFD, manufactured by Omega Corp. for Riverside Associates, Francestown, NH 03043, effective 26 March 1980.

Approval No. 160.064/1683/0, Adult Medium, Model No. RA–50, Type III PFD, manufactured by Omega Corp. for Riverside Associates, Francestown, NH 03043, effective 26 March 1980.

Approval No. 160.064/1686/0, Child Medium, Model No. FV 400, Type III PFD, manufactured by Fabrionics, Inc. for Gladding Corp., P.O. Box 8277, Station A, Greenville, SC 29064, effective 26 February 1980.

Approval No. 160.064/1687/0, Adult, Model No. FV 701, Type III PFD, manufactured by Fabrionics, Inc. for Gladding Corp., P.O. Box 8277, Station A, Greenville, Sc 29064, effective 26 February 1980.

Approval No. 160.064/1688/0, Adult, Model No. FV 801, Type III PFD, manufactured by Fabrionics, Inc. for Gladding Corp., P.O. Box 8277, Station A, Greenville, SC 29064, effective 26 February 1980.

Approval No. 160.064/1689/0, Adult, Model No. FV 803, Type III PFD, manufactured by Fabrionics, Inc. for Gladding Corp., P.O. Box 8277, Station A, Greenville, SC 29064, effective 26 February 1980.

Approval No. 160.064/1690/0, Adult, Model No. FV 1001, Type III PFD, manufactured by Fabrionics, Inc. for Gladding Corp., P.O. Box 8277, Station A, Greenville, SC 29064, effective 26 February 1980.

Approval No. 160.064/1702/0, Ladies Universal, Type III PFD, manufactured by H.H. Bremen Mfg. Co., P.O. Box 243, Bremen, IN 46506, Model No. 226, effective 25 February 1980 for Ero Industries, Inc., 189 West Madison Street, Chicago, IL 60602, Model No. 27002, effective 25 February 1980.

Approval No. 160.064/1703/0, Mens Universal, Type III PFD, manufactured by H. H. Bremen Mfg. Co., P.O. Box 243, Bremen, IN 46506, Model No. 227, effective 25 February 1980 for Ero Industries, Inc., 189 West Madison Street, Chicago, IL 60602, Model No. 27000, effective 25 February 1980.

Approval No. 160.064/1704/0, Adult Small, Model No. FV–6, Type III PFD, manufactured by Gladding Corp., Flotation Div., P.O. Drawer 9038, Station A, Greenville, SC 29604, effective 9 April 1980.

Approval No. 160.064/1705/0, Adult Medium, Model No. FV–6, Type III PFD, manufactured by Gladding Corp., Flotation Div., P.O. Drawer 9038, Station A, Greenville, SC 29604, effective 9 April 1980.

Approval No. 160.064/1706/0, Adult Large, Model No. FV–6, Type III PFD, manufactured by Gladding Corp., Flotation Div., P.O. Drawer 9038, Station A, Greenville, SC 29604, effective 9 April 1980.

Approval No. 160.064/1707/0, Adult X-Large, Model No. FV–6, Type III PFD, manufactured by Gladding Corp., Flotation Div., P.O. Drawer 9038, Station A, Greenville, SC 29604, effective 9 April 1980.

Approval No. 160.064/1864/0, Adult Large, Model No. RA–60, Type III PFD, manufactured by Omega Corp., for Riverside Associates, Francestown, NH 03043, effective 26 March 1980.

Approval No. 160.064/1865/0, Adult X-Large, Model No. RA–70, Type III PFD, manufactured by Omega Corp., for Riverside Associates, Francestown, NH 03043, effective 26 March 1980.

Automatic Disengaging Device for Life Rafts

Approval No. 160.070/2/0, Type 5 RA–1133 automatic disengaging device (release hook) for davit-launched life rafts; approved for a maximum working load of 5,000 lbs. on a single-part fall, manufactured by B. F. Goodrich, Engineered Products Group, Union, WV 24834, effective 15 April 1980.

Fire Protective Systems

Approval No. 161.002/12/0, Audible and visual supervised photoelectric optical smoke detection system, Model ESDS–2, 1–70 lines on main cabinet with wheelhouse annunciator, normally furnished with three supervised alarm bells, with provision for addition of a fourth supervised alarm bell, manufactured by The Ansul Co., Marinette, WI 54143, effective 23 April 1980. (It is an extension of Approval No. 161.002/12/0 dated 14 January 1975.)

Class A Epirb

Approval No. 161.001/2/0, Model CS1N–A, Class A, float free, emergency position indicating radio beacon, manufactured by Simrad, Inc., One Labriola Court, Armonk, NY 10504, effective 1 May 1980.

Personal Flotation Device Light

Approval No. 161.012/4/0, Model 378–B, incandescent personal light, manufactured by The Guest Corp., 17 Culbro Drive, West Hartford, CT 06110, effective 31 March 1980.

Approval No. 161.012/8/0, Fulton Model No. 101, manufactured by Fulton Industries, Inc., 135 East Linfoot Street, Wauseon, OH 43567, effective 6 March 1980.

Safety Valve (Power Boilers)

Approval No. 162.001/215/1, Style HNB–MS–38–6 drum pilot actuated safety valve, alloy steel body, maximum pressure of 535 p.s.i., maximum temperature 1000 degrees F., approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve and Gage Co., 43 Kendrick Street, Wrentham, MA 02093, effective 22 April 1980. (It supersedes Approval No. 162.001/215/1 dated 26 April 1974 to show change in construction.)

Approval No. 162.001/296/0, Type 1910 F/P1, consolidated safety valve, steel body, 300 p.s.i., 450 degrees F., approved for 1½", manufactured by DRESSER, Industrial Valve and Instrument Div., P.O. Box 1430, Alexandria, LA 71301, effective 31 March 1980.

Approval No. 162.001/297/0, Type 1910 G/P1, consolidated safety relief valve, approved for 300 lb. ANSI class pressure temperature ratings with a maximum temperature of 450 degrees F., manufactured by DRESSER, Industrial Valve and Instrument Div., P.O. Box 1430, Alexandria, LA 71301, effective 31 March 1980.

Approval No. 162.001/298/0, Safety valve, type 1905 L/P1; carbon steel spring; body and bonnet material specification ASTM A–216, grade WCB; 3" inlet and 4" outlet 150 lb. ANSI flanges, manufactured by DRESSER, Industrial Valve and Instrument Div., P.O. Box 1430, Alexandria, LA 71301, effective 31 March 1980.

Approval No. 162.001/299/0, Safety valve, type 1905 P/P1, carbon steel spring; body bonnet material specification ASTM A–216; grade WCB; 3" inlet and 4" outlet 150 lb. ANSI flanges, manufactured by DRESSER, Industrial Valve and Instrument Div., P.O. Box 1430, Alexandria, LA 71301, effective 31 March 1980.

Relief Valve (For Hot Water Heating Boilers)

Approval No. 162.013/36/0, Type No. 130–¾", relief valve for hot water heating boilers, maximum set pressure 30 p.s.i., relieving capacity 480,000 B.T.U. per hour, approved for ¾" inlet size, manufactured by McDonnell and Miller, Inc., 3500 N. Spaulding Avenue, Chicago, IL 60618, effective 23 April 1980. (It is an extension of Approval No. 162.013/36/0 dated 30 April 1975.)

Flame Arrester (Tank Vessels)

Approval No. 162.016/6/5, Model 94305 flame arrester, cast iron, cast steel, stainless steel, or aluminum body, and aluminum or stainless steel tube bank, approved for 3", 4", 6", 8", 10",

and 12" sizes, manufactured by GPE Controls, Inc., Div. of Vapor Corp., 6511 Oakton Street, Morton Grove, IL 60053, effective 31 March 1980. (It supersedes Approval No. 162.016/6/4 dated 1 August 1975 to show approval of stainless steel body.)

Pressure Vacuum Relief Valve

Approval No. 162.017/96/0,6" vacuum relief valve, Fig. 4100–07X, cast steel impact tested for −50 degrees F. service with aluminum and stainless steel trim for liquified inflammable gas and anhydrous ammonia at a minimum temperature of −50 degrees F., manufactured by GPE Controls, Div. of Vapor Corp., 6511 Oakton Street, Morton Grove, IL 60053, effective 22 April 1980. (It is an extension of Approval No. 162.017/96/0 dated 2 April 1975.)

Approval No. 162.017/105/0, Model 94030, 6" Marine Breather Valve, approved for pressure vacuum relief on cargo oil tanks with a maximum pressure setting of 2.5 p.s.i.g. and a maximum vacuum setting of 0.5 p.s.i.g., manufactured by GPE Controls, Div. of Vapor Corp., 6511 Oakton Street, Morton Grove, IL 60053, effective 22 April 1980. (It is an extension of Approval No. 162.017/105/0 dated 2 April 1980.)

Approval No. 162.017/117/0, Model 94030, 8" Marine Breather Valve, approved for pressure vacuum relief on cargo oil tanks with a maximum pressure setting of 3 p.s.i.g. and a maximum vacuum setting of 1 p.s.i.g., manufactured by GPE Controls, Div. of Vapor Corp., 6511 Oakton Street, Morton Grove, IL 60053, effective 22 April 1980. (It is an extension of Approval No. 162.017/117/0 dated 19 March 1980.)

Approval No. 162.017/120/1, Pres-Vac Type HS–M pressure relief valve with cast iron, bronze, stainless steel, or nodular cast iron bodies, Specs. 1, 2, 3, 4, or 5; cast iron, bronze, stainless steel, or nodular cast iron flame screen bodies, Specs. 1, 2, 3, or 4. Pressure settings from 1.0 to 3.0 p.s.i.g. and vacuum settings from 0.5 to 1.0 p.s.i.g. vacuum are acceptable in sizes 2.5, 3, 4, 6, 8, and 10 inches, manufactured by PRES-VAC, Svanevang 3, 3450 Allerod, Denmark, effective 22 April 1980. (It supersedes Approval No. 162.017/120/0 dated 23 July 1979 to show addition of new sizes and materials.)

Liquefied Compressed Gas Safety Relief Valve

Approval No. 162.018/47/2, 4" Style JQU safety relief valve for corrosive and liquified compressed gas, approved for a maximum set pressure of 350 p.s.i., discharge capacity 15,945 cubic feet per minute of air measured at 60 degrees F. and 14.7 p.s.i., manufactured by Crosby Valve and Gage Co., 45 Kendrick Street, Wrentham, MA 02093, effective 23 April 1980. (It is an extension of Approval No. 162.018/47/2 dated 11 April 1975.)

Approval No. 162.018/85/0, Crosby Style JBS safety relief valve for liquified compressed gas service, approved for inlet diameters of 1 through 6 inches inclusive, for a maximum set pressure of 1000 p.s.i. for orifices, D, E; 740 p.s.i. for orifices F, G, H, J, K, L, M, N; 525 p.s.i. for orifice, P; 165 p.s.i. for orifice, Q; and 100 p.s.i. for orifice R, manufactured by Crosby Valve and Gage Co., 45 Kendrick Street, Wrentham, MA 02093, effective 2 April 1980.

Approval No. 162.018/86/0, Crosby Style JOS safety relief valve for liquified compressed gas service, approved for inlet diameters of 1 through 6 inches inclusive, for a maximum set pressure of 1000 p.s.i. for orifices D and E; 740 p.s.i. for orifices F, G, H, J, K, L, M, N; 525 p.s.i. for orifice P; 165 p.s.i. for orifice Q; and 100 p.s.i. for orifice R, manufactured by Crosby Valve and Gage Co., 45 Kendrick Street, Wrentham, MA 02093, effective 2 April 1980.

Form–Type Fire Extinguishing Systems

Approval No. 162.033/2/1, National Aer-O-Foam marine fire extinguishing systems with Aer-O-Foam liquid 3% regular, manufactured by National Foam System, Inc., 150 Gordon Drive, Lionville, PA 19353, effective 2 April 1980. (It is an extension of Approval No. 162.033/2/1 dated 3 January 1973.)

Backfire Flame Arrester of Gasoline Engines

Approval No. 162.041/205/0, Kawasaki Model JE–C–7901–1 backfire flame arrester, cast aluminum housing, cast aluminum air intake (arrester cover), nickle-chrome alloy flame arresting element, manufactured by Kawasaki Motors Corp., 650 Valley Park Drive, Shakopee, MN 55379, effective 1 April 1980.

Bulkhead Panels

Approval No. 164.008/64/1, E. F. Hauserman's "Double Wall" marine bulkhead panel system, approved as meeting Class B–15 requirements, manufactured by The E. F. Hauserman Co., 5711 Grand Avenue, Cleveland, OH 44105, effective 26 March 1980. (It is an extension of Approval No. 164.008/64/1 dated 14 November 1974.)

Approval No. 164.008/95/0, Type 33A mineral wool core, steel faced bulkhead panels, approved as meeting Class B–15 requirements in an overall thickness of 50mm, manufactured by Isolamin AB, S–95188, Lulea, Sweden, effective 5 May 1980. (It supersedes Approval No. 164.008/95/0 dated 1 April 1980.)

Approval No. 164.008/96/0, Type 33C mineral wool core, steel faced bulkhead panels, approved as meeting Class B–15 requirements in an overall thickness of 50mm, manufactured by Isolamin AB, S–95188, Lulea, Sweden, effective 6 May 1980. (It supersedes Approval No. 164.008/96/0 dated 6 May 1980.)

Approval No. 164.008/97/0, Type 45A bulkhead panels, consisting of two mineral wool core, steel faced panels separated by a 30mm gap, approved as meeting Class B–15 requirements in an overall thickness of 80mm, manufactured by Isolamin AB, S–95188, Lulea, Sweden effective 5 May 1980. (It supersedes Approval No. 164.008/97/0 dated 1 April 1980.)

Incombustible Material

Approval No. 164.009/90/0, Insul-Coustic SeeGee Adhesive I–C 292 composition type incombustible material, manufactured by I–C Adhesives Co., Div. of Marathon Industries, Inc., 262 Jernee Mill Road, Sayreville, NJ 08872, effective 2 April 1980. (It supersedes Approval No. 164.009/90/0 dated 6 January 1976 to reflect change in manufacturer's name.)

Approval No. 164.009/91/0, Insul-Coustic SeeGee Coating I–C 596 composition type incombustible material, manufactured by I–C Adhesives Co., Div. of Marathon Industries, Inc., 262 Jernee Mill Road, Sayreville, NJ 08872, effective 2 April 1980. (It supersedes Approval No. 164.009/91/0 dated 6 January 1976 to reflect change in manufacturer's name.)

Interior Finish

Approval No. 164.012/43/0, Style No. 3732 fiberglass cloth with AFF No. 60 finish, manufactured by WACO, Inc., P.O. Box 2679, 814 Research Drive, Newport News, VA 23602, effective 22 April 1980.

Approval No. 164.012/44/0, Style 332/49/9538 fiberglass cloth, manufactured by WACO, Inc., P.O. Box 2679, 814 Research Drive, Newport News, VA 23602, effective 22 April 1980.

Retroreflective Material

Approval No. 164.018/2/0, Type I, "Reflexite Polycarbonate Microprism Reflective Sheeting", manufactured by Reflexite Corp., 199 Whiting Street, New Britian, CT 06051, effective 5 May 1980. (It supersedes Approval No. 164.018/2/0 dated 19 March 1980 to show revised identifying data.)

Marine Sanitation Devices

Certification No. 159.15/1003/30/II, Model FAST 32D4S, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity of 32 persons, for us on M/V Belle River (O.N. 592397) only, manufactured by St. Louis Ship, 611 E. Marceau Street, St. Louis, MO 63111, effective 26 September 1979.

Certification No. 159.15//1015/11/II, Model SS600C, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity of 750 GPD, manufactured by Marland Environmental Systems, Inc., P.O. Box 9, Walworth, WI 53184, effective 9 July 1979.

Certification No. 159.15/1023/1/II, Model ST-2, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 260 GPD, manufactured by Hamworthy Engineering, Pumps and Compressor Div., Fleets Corner, Poole Dorset BH17 7LA, United Kingdom, effective 11 June 1976. (New data card issued 13 August 1979 supersedes card issued 1 May 1978.)

Certification No. 159.15/1023/2/II, Model ST-4, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average cpacity 720 GPD, manufactured by Hamworthy Engineering, Pumps and compressor Div., Fleets Corner, Poole Dorset BH17 7LA, United Kingdom, effective 11 June 1976. (New data card issued 13 August 1979 supersedes card issued 1 May 1978.)

Certification No. 159.15/1023/4/II, Model ST-8, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 1440 GPD, manufactured by Hamworthy Engineering, Pumps and Compressor Div., Fleets Corner, Poole Dorset BH17 7LA, United Kingdom, effective 11 June 1976. (New data card issued 13 August 1979 supersedes card issued 1 May 1978.)

Certification No. 159.15/1023/5/II, Model ST-10, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 1800 GPD, manufactured by Hamworthy Engineering, Pumps and Compressor Div., Fleets Corner, Poole Dorset BH17 7LA, United Kingdom, effective 11 June 1976. (New data card issued 13 August 1979 supersedes card issued 1 May 1978.)

Certification No. 159.15/1023/6/II, Model ST-15, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 2700 GPD, manufactured by Hamworthy Engineering, Pumps and Compressor Div., Fleets Corner, Poole Dorset BH17 7LA, United Kingdom, effective 11 June 1976. (New data card issued 13 August 1979 supesedes card issued 1 May 1978.)

Certification No. 159.15/1023/4/II, Model ST-8, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 1440 GPD, manufactured by Hamworthy Engineering, Pumps and Compressor Div., Fleets Corner, Poole Dorset BH 17 7LA, United Kingdom, effective 11 June 1976. (New data card issued 13 August 1979 su persedes card issued 1 May 1978.)

Certification No. 159.15/1023/5/II, Model ST-10, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 1800 GPD, manufactured by Hamworthy Engineering, Pumps and Compressor Div., Fleets Corner, Poole Dorset BH17 7LA, United Kingdom, effective 11 June 1976. (New data card issued 13 August 1979 supersedes card issued 1 May 1978.)

Certification No. 159.15/1023/6/II, Model ST-15, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 2700 GPD, manufactured by Hamworthy Engineering, Pumps and Compressor Div., Fleets Corner, Poole Dorset BH17 7LA, United Kingdom, effective 11 June 1976. (New data card issued 13 August 1979 supersedes card issued 1 May 1978.)

Certification No. 159.15/1023/7/II, Model ST-20, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 3600 GPD, manufactured by Hamworthy Engineering, Pumps and Compressor Div., Fleets Corner, Poole Dorset BH17 7LA, United Kingdom, effective 11 June 1976. (new data card issued 14 August 1979 supersedes card issued 1 May 1978.)

Certification No. 159.15/1023/8/II, Model T-10, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 180 GPD, manufactured by Hamworthy Engineering, Pumps and Compressor Div., Fleets Corner, Poole Dorset BH17 7LA, United Kingdom, effective 11 June 1976. (New data card issued 14 August 1979 supersedes card issued 1 May 1978.)

Certification No. 159.15/1023/9/II, Model T-20, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 360 GPD, manufactured by Hamworthy Engineering, Pumps and Compressor Div., Fleets Corner, Poole Dorset BH17 7LA, United Kingdom, effective 11 August 1976. (New data card issued 14 August 1979 supersedes card issued 1 May 1978.)

Certification No. 159.15/1023/10/II, Model T-30, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 540 GPD, manufactured by Hamworthy Engineering, Pumps and Compressor Div., Fleets Corner, Poole Dorset BH17 7LA, United Kingdom, effective 11 August 1976. (New data card issued 14 August 1979 supersedes card issued 1 May 1978.)

Certification No. 159.15/1023/11/II, Model T-40, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 720 GPD, manufactured by Hamworthy Engineering, Pumps and Compressor Div., Fleets Corner, Poole Dorset BH17 7LA, United Kingdom, effective 11 August 1976. (New data card issued 14 August 1979 supersedes card issued 1 May 1978.)

Certification No. 159.15/1023/12/II, Model T-50, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 900 GPD, manufactured by Hamworthy Engineering, Pumps and Compressor Div., Fleets Corner, Poole Dorset BH17 7LA, United Kingdom, effective 11 August 1976. (New data card issued 14 August 1979 supersedes card issued 1 May 1978.)

Certification No. 159.15/1023/13/II, Model T-60, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 1080 GPD, manufactured by Hamworthy Engineering, Pumps and Compressor Div., Fleets Corner, Poole Dorset BH17 7LA, United Kingdom, effective 11 August 1976. (New data card issued 14 August 1979 supersedes card issued 1 May 1978.)

Certification No. 159.15/1023/14/II, Model T-75, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 1350 GPD, manufactured by

Hamworthy Engineering, Pumps and Compressor Div., Fleets Corner, Poole Dorset BH17 7LA, United Kingdom, effective 11 August 1976. (New data card issued 14 August 1979 supersedes card issued 1 May 1978.)

Certification No. 159.15/1023/15/II, Model T–100, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 1800 GPD, manufactured by Hamworthy Engineering, Pumps and Compressor Div., Fleets Corner, Poole Dorset BH17 7LA, United Kingdom, effective 11 August 1976. (New data card issued 14 August 1979 supersedes card issued 1 May 1978.)

Certification No. 159.15/1023/16/II, Model RT–20, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 360 GPD, manufactured by Hamworthy Engineering, Pumps and Compressor Div., Fleets Corner, Poole Dorset BH17 7LA, United Kingdom, effective 7 April 1976. (New data card issued 15 August 1979 supersedes card issued 1 May 1978.)

Certification No. 159.15/1023/17/II, Model RT–40, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 750 GPD, manufactured by Hamworthy Engineering, Pumps and Compressor Div., Fleets Corner, Poole Dorset BH17 7LA, United Kingdom, effective 7 April 1977. (New data card issued 15 August 1979 supersedes card issued 1 May 1978.)

Certification No. 159.15/1023/18/II, Model RT–60, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 1080 GPD, manufactured by Hamworthy Engineering, Pumps and Compressor Div., Fleets Corner, Poole Dorset BH17 7LA, United Kingdom, effective 7 April 1977. (New data card issued 15 August 1979 supersedes card issued 1 May 1978.)

Certification No. 159.15/1023/19/II, Model RT–60, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 1440 GPD, manufactured by Hamworthy Engineering, Pumps and Compressor Div., Fleets Corner, Poole Dorset BH17 7LA, United Kingdom, effective 11 August 1977. (New data card issued 15 August 1979 supersedes card issued 1 May 1978.)

Certification No. 159.15/1023/20/II, Model ST–25, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 4500 GPD, manufactured by Hamworthy Engineering, Pumps and Compressor Div., Fleets Corner, Poole Dorset BH17 7LA, United Kingdom, effective 24 March 1978. (New data card issued 15 August 1979 supersedes card issued 1 May 1978.)

Certification No. 159.15/1023/21/II, Model ST–30, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 5400 GPD, manufactured by Hamworthy Engineering, Pumps and Compressor Div., Fleets Corner, Poole Dorset BH17 7LA, United Kingdom, effective 24 March 1978. (New data card issued 15 August 1979 supersedes card issued 1 May 1978.)

Certification No. 159.15/1023/22/III, Model ST–2R, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 20 persons, manufactured by Hamworthy Engineering, Pumps and Compressor Div., Fleets Corner, Poole Dorset BH17 7LA, United Kingdom, effective 14 April 1978. (New data card issued 15 August 1979 supersedes card issued 1 May 1978.)

Certification No. 159.15/1023/23/III, Model ST–4R, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 40 persons, manufactured by Hamworthy Engineering, Pumps and Compressor Div., Fleets Corner, Poole Dorset BH17 7LA, United Kingdom, effective 14 April 1978. (New data card issued 15 August 1979 supersedes card issued 1 May 1978.)

Certification No. 159.15/1023/24/III, Model ST–6R, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 60 persons, manufactured by Hamworthy Engineering, Pumps and Compressor Div., Fleets Corner, Poole Dorset BH17 7LA, United Kingdom, effective 14 April 1978. (New data card issued 15 August 1979 supersedes card issued 1 May 1978.)

Certification No. 159.15/1023/25/III, Model ST–8R, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 80 persons, manufactured by Hamworthy Engineering, Pumps and Compressor Div., Fleets Corner, Poole Dorset BH17 7LA, United Kingdom, effective 14 April 1978. (New data card issued 15 August 1979 supersedes card issued 1 May 1978.)

Certification No. 159.15/1023/26/III, Model ST–10R, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 700 persons, manufactured by Hamworthy Engineering, Pumps and Compressor Div., Fleets Corner, Poole Dorset BH17 7LA, United Kingdom, effective 14 April 1978. (New data card issued 15 August 1979 supersedes card issued 1 May 1978.)

Certification No. 159.15/1025/23/II, Model M–30, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 15 GPD, manufactured by Microphor, Inc., P.O. Box 490, Willits, CA 95490, effective 4 April 1978.

Certification No. 159.15/1025/24/II, Model M–40, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 20 GPD, manufactured by Microphor, Inc., P.O. Box 490, Willits, CA 95490, effective 4 April 1978.

Certification No. 159.15/1029/1/II, Model WT–325, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 325 GPD, manufactured by Demco, Inc., P.O. Box 94700, 845 S.E. 29th Street, Oklahoma City, OK 73109, effective 30 September 1976. (New data card issued 14 November 1979 supersedes card issued 1 May 1978.)

Certification No. 159.15/1029/2/II, Model WT–625, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 625 GPD manufactured by Demco, Inc., P.O. Box 94700, 845 S.E. 29th Street, Oklahoma City, OK 73109, effective 30 September 1976. (New data card issued 14 November 1979 supersedes card issued 1 May 1978.)

Certification No. 159.15/1029/3/II, Model WT–1000, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 1000 GPD, manufactured by Demco, Inc., P.O. Box 94700, 845 S.E. 29th Street, Oklahoma City, OK 73109, effective 30 September 1976. (New data card issued 14 November 1979 supersedes card issued 1 May 1978.)

Certification No. 159.15/1029/4/II, Model WT–1250, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 1250 GPD, manufactured by Demco, Inc., P.O. Box 94700, 845 S.E. 29th Street, Oklahoma City, OK 73109,

effective 30 September 1976. (New data card issued 14 November 1979 supersedes card issued 1 May 1978.)

Certification No. 159.15/1029/5/II, Model WT–1565, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 1565 GPD, manufactured by Demco, Inc., P.O. Box 94700, 845 S.E. 29th Street, Oklahoma City, OK 73109, effective 30 September 1976. (New data card issued 14 November 1979 supersedes card issued 1 May 1978.)

Certification No. 159.15/1029/6/II, Model WT–1875, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 1875 GPD, manufactured by Demco, Inc., P.O. Box 94700, 845 S.E. 29th Street, Oklahoma City, OK 73109, effective 30 September 1976. (New data card issued 14 November 1979 supersedes card issued 1 May 1978.)

Certification No. 159.15/1029/7/II, Model WT–2200, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 2200 GPD, manufactured by Demco, Inc., P.O. Box 94700, 845 S.E. 29th Street, Oklahoma City, OK 73109, effective 30 September 1976. (New data card issued 14 November 1979 supersedes card issued 1 May 1978.)

Certification No. 159.15/1029/8/II, Model WT–2500, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 2500 GPD, manufactured by Demco, Inc., P.O. Box 94700, 845 S.E. 29th Street, Oklahoma City, OK 73109, effective 30 September 1976. (New data card issued 14 November 1979 supersedes card issued 1 May 1978.)

Certification No. 159.15/1029/9/II, Model WT–2815, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 2815 GPD, manufactured by Demco, Inc., P.O. Box 94700, 845 S.E. 29th Street, Oklahoma City, OK 73109, effective 30 September 1976. (New data card issued 14 November 1979 supersedes card issued 1 May 1978.)

Certification No. 159.15/1029/10/II, Model WT–3125, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 3125 GPD, manufactured by Demco, Inc., P.O. Box 94700, 845 S.E. 29th Street, Oklahoma City, OK 73109, effective 30 September 1976. (New data card issued 14 November 1979 supersedes card issued 1 May 1978.)

Certification No. 159.15/1029/11/II, Model WT–3750, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 3750 GPD, manufactured by Demco, Inc., P.O. Box 94700, 845 S.E. 29th Street, Oklahoma City, OK 73109, effective 30 September 1976. (New data card issued 14 November 1979 supersedes card issued 1 May 1978.)

Certification No. 159.15/1029/12/II, Model WT–5000, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 5000 GPD, manufactured by Demco, Inc., P.O. Box 94700, 845 S.E. 29th Street, Oklahoma City, OK 73109, effective 30 September 1976. (New data card issued 14 November 1979 supersedes card issued 1 May 1978.)

Certification No. 159.15/1029/15/II, Model WT–7000, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 7000 GPD, manufactured by Demco, Inc., P.O. Box 94700, 845 S.E. 29th Street, Oklahoma City, OK 73109, effective 1 June 1978. (New data card issued 14 November 1979 supersedes card issued 1 October 1978.)

Certification No. 159.15/1029/16/II, Model WT–8000, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 8000 GPD, manufactured by Demco, Inc., P.O. Box 94700, 845 S.E. 29th Street, Oklahoma City, OK 73109, effective 1 June 1978. (New data card issued 14 November 1979 supersedes card issued 7 June 1978.)

Certification No. 159.15/1029/17/II, Model WT–9000, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 9000 GPD, manufactured by Demco, Inc., P.O. Box 94700, 845 S.E. 29th Street, Oklahoma City, OK 73109, effective 1 June 1978. (New data card issued 14 November 1979 supersedes card issued 7 June 1978.)

Certification No. 159.15/1029/18/II, Model WT–10,000, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 10,000 GPD, manufactured by Demco, Inc., P.O. Box 94700, 845 S.E. 29th Street, Oklahoma City, OK 73109, effective 1 June 1978. (New data card issued 14 November 1979 supersedes card issued 7 June 1978.)

Certification No. 159.15/1032/16/II, Model BFT–40, certified for use on uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 100 liters/hr, manufactured by Taiko-Kikai Industries, 209 Shimotabuse, Tabuse Cho, Komage Gun, Yamaguchi Prefecture, Japan, effective 9 October 1979.

Certification No. 159.15/1035/3/II, Model ST–6, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 1080 GPD, manufactured by Saskura Engineering Co., 7–5 Mitejima 6-Chome, Nishiyodogawa-ku, Osaka, Japan, effective 1 September 1976. (New data card issued 14 January 1980 supersedes card issued 1 May 1978.)

Certification No. 159.15/1035/4/II, Model ST–8, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 1440 GPD, manufactured by Saskura Engineering Co., 7–5 Mitejima 6-Chome, Nishiyodogawa-ku, Osaka, Japan, effective 1 September 1976. (New data card issued 14 January 1980 supersedes card issued 1 May 1978.)

Certification No. 159.15/1035/5/II, Model ST–10, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 1800 GPD, manufactured by Saskura Engineering Co., 7–5 Mitejima 6-Chome, Nishiyodogawa-ku, Osaka, Japan, effective 1 September 1976. (New data card issued 14 January 1980 supersedes card issued 1 May 1978.)

Certification No. 159.15/1035/7/II, Model ST–20, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 3600 GPD, manufactured by Saskura Engineering Co., 7–5 Mitejima 6-Chome, Nishiyodogawa-ku, Osaka, Japan, effective 1 September 1976. (New data card issued 14 January 1980 supersedes card issued 1 May 1978.)

Certification No. 159.15/1045/1/II, Model CP–40, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 1500 GPD, manufactured by Fredriksstad mek. Verksted, P.O. Box 96, 1601 Fredriksstad, Norway, effective 1 July 1977. (New data card issued 17 August 1979 supersedes card issued 9 May 1979.)

Certification No. 159.15/1045/2/II, Model CP–65, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 2433 GPD, manufactured by Fredriksstad mek. Verksted, P.O. Box 96, 1601 Fredriksstad, Norway, effective 1

July 1977. (New data card issued 17 August 1979 supersedes card issued 9 May 1979.)

Certification No. 159.15/1045/3/II, Model CP–80, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 2995 GPD, manufactured by Fredriksstad mek. Verksted, P.O. Box 96, 1601 Fredriksstad, Norway, effective 1 July 1977. (New data card issued 17 August 1979 supersedes card issued 9 May 1979.)

Certification No. 159.15/1045/7/II, Model CPR–20, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 750 GPD, manufactured by Fredriksstad mek. Verksted, P.O. Box 96, 1601 Fredriksstad, Norway, effective 1 July 1977. (New data card issued 8 November 1979 supersedes card issued 9 May 1979.)

Certification No. 159.15/1045/8/II, Model CPR–30, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 1125 GPD, manufactured by Fredriksstad mek. Verksted, P.O. Box 96, 1601 Fredriksstad, Norway, effective 1 May 1977. (New data card issued 8 November 1979 supersedes card issued 9 May 1979.)

Certification No. 159.15/1045/9/II, Model CPR–40, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 1500 GPD, manufactured by Fredriksstad mek. Verksted, P.O. Box 96, 1601 Fredriksstad, Norway, effective 1 May 1979. (New data card issued 25 October 1979 supersedes card issued 9 May 1979.)

Certification No. 159.15/1045/10/II, Model CPR–50, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 1875 GPD, manufactured by Fredriksstad mek. Verksted, P.O. Box 96, 1601 Fredriksstad, Norway, effective 1 May 1979. (New card issued 8 November 1979 supersedes card issued 9 May 1979.)

Certification No. 159.15/1045/11/II, Model CPR–65, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 2433 GPD, manufactured by Fredriksstad mek. Verksted, P.O. Box 96, 1601 Fredriksstad, Norway, effective 1 May 1979. (New data card issued 25 October 1979 supersedes card issued 9 May 1979.)

Certification No. 159.15/1045/12/II, Model CPR–80, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 2995 GPD, manufactured by Fredriksstad mek. Verksted, P.O. Box 96, 1601 Fredriksstad, Norway, effective 1 May 1979. (New data card issued 25 October 1979 supersedes card issued 9 May 1979.)

Certification No. 159.15/1046/2/I, Model STS–IM(C/D), certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 3600 GPD, manufactured by Sigma Treatment Systems, 2 Davis Avenue, Frazer, PA 19355, effective 17 May 1978. (New data card issued 13 August 1979 supersedes card issued 13 November 1978.)

Certification No. 159.15/1046/6/II, Model STS–11, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity up to 70 gal/min, manufactured by Sigma Treatment Systems, 2 Davis Avenue, Frazer, PA 19355, effective 29 August 1978. (New data card issued 13 August 1979 supersedes card issued 13 November 1978.)

Certification No. 159.15.1046/11/II, Model STS–11(A/D), custom installation for MV Polar Equaor (on 58311) only, manufactured by Sigma Treatment Systems, 2 Davis Avenue, Frazer, PA 19355, effective 10 August 1979.

Certification No. 159.15/1046/12/II, Model STS–11(A/D), custom installation for MV Pythia (on 5411) only, manufactured by Sigma Treatment Systems, 2 Davis Avenue, Frazer, PA 19355, effective 10 August 1979.

Certification No. 159.15/1046/13/II, Model BIO STS 1000, certified for use on uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 1000 GPD, manufactured by Sigma Treatment Systems, 2 Davis Avenue, Frazer, PA 19355, effective 15 October 1979. (New data card issued 12 December 1979 supersedes card issued 18 October 1979.)

Certification No. 159.15/1046/14/II, Model BIO STS 500, certified for use on uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 500 GPD, manufactured by Sigma Treatment Systems, 2 Davis Avenue, Frazer, PA 19355, effective 15 October 1979. (New data card issued 12 December 1979 supersedes card issued 18 October 1979.)

Certification No. 159.15/1046/15/II, Model BIO STS 1500, certified for use on uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 1500 GPD, manufactured by Sigma Treatment Systems, 2 Davis Avenue, Frazer, PA 19355, effective 15 October 1979.

Certification No. 159.15/1054/1/II, Model 10, certified for use on inspected, small passenger and uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 5 persons, manufactured by Humphrey Marine, Sewage Treatment Systems, 709 North Sierra Bonita, Los Angeles, CA 90046, effective 13 December 1978. (New data card issued 25 October 1979 supersedes card issued 26 January 1979.)

Certification No. 159.15/1055/1/III, Model Electrolux, certified for use on uninspected vessels, certified for use in fresh, brackish and salt water, custom engineered system; sized to fit need, manufactured by Electrolux-Wascator AB, Environmental Systems Div., Gentingeverken, S–31044 Getinge, Sweden, effective 26 September 1979.

Certification No. 159.15/1059/8/III, Model ST–6R, certified for use on uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 1080 GPD, for use on M/V David Star Jorden only, manufactured by Hamworthy USA, 365 French Road, Buffalo, NY 14227, effective 5 November 1979.

Certification No. 159.15/1062/1/II, Model B/25, certified for use on uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 2.5 m3/d, manufactured by I.S.I.R., S.A.S. DiAntonelli and Co., Via L. Canepa 16 r, 16165 Genova-Doria, Italy, effective 1 November 1979.

Certification No. 159.15/1062/2/II, Model B/50, certified for use on uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 5 m3/d, manufactured by I.S.I.R., S.A.S. DiAntonelli and Co., Via L. Canepa 16 r, 16165 Genova-Doria, Italy, effective 1 November 1979.

Certification No. 159.15/1062/3/II, Model B/75, certified for use on uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 7.5 m3/d, manufactured by I.S.I.R., S.A.S. DiAntonelli and Co., Via L. Canepa 16 r, 16165 Genova-Doria, Italy, effective 1 November 1979.

Certification No. 159.15/1062/4/II, Model B/100, certified for use on uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 10 m3/d, manufactured by I.S.I.R., S.A.S. DiAntonelli and Co., Via L. Canepa 16 r, 16165 Genova-Doria, Italy, effective 1 November 1979.

Certification No. 159.15/1062/5/II, Model B/125, certified for use on uninspected vessels, certified for use in

fresh, brackish and salt water, average capacity 12.5 m3/d, manufactured by I.S.I.R., S.A.S. DiAntonelli and Co., Via L. Canepa 16 r, 16165 Genova-Doria, Italy, effective 1 November 1979.

Certification No. 159.15/1062/6/II, Model B/150, certified for use on uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 15 m3/d, manufactured by I.S.I.R., S.A.S. DiAntonelli and Co., Via L. Canepa 16 r, 16165 Genova-Doria, Italy, effective 1 November 1979.

Certification No. 159.15/1062/7/II, Model B/200, certified for use on uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 20 m3/d, manufactured by I.S.I.R., S.A.S. DiAntonelli and Co., Via L. Canepa 16 r, 16165 Genova-Doria, Italy, effective 1 November 1979.

Certification No. 159.15/1063/1/I, Models Mark 1 MSD, Mark 1B and Mark 1C, certified for use on uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 240 GPD, manufactured by Effluent Tech. Co., Inc., 4103 Bridgeport Way W., Tacoma, WA 98466, effective 22 August 1978. (New data card issued 12 December 1979 supersedes card issued 14 August 1978.)

Certification No. 159.15/1076/1/III, Model 1979, certified for use on uninspected vessels, average capacity 540 GPD, manufactured by Crounse Corp., 2626 Broadway, Puducah, KY 42001, effective 1 November 1979.

Certification No. 159.15/1079/1/II, Model STS–2, certified for use on uninspected vessels, certified for use in fresh, brackish and salt water, manufactured by Ishida Senpaku Kogyo Co., Serita Bldg., 5–3–13 Minami Shinagawa, Shinagawa-Ku, Tokyo, Japan, effective 10 October 1979.

Certification No. 159.15/1079/2/II, Model STS–3, certified for use on uninspected vessels, certified for use in fresh, brackish and salt water, manufactured by Ishida Senpaku Kogyo Co., Serita Bldg., 5–3–13 Minami Shinagawa, Shinagawa-Ku, Tokyo, Japan, effective 10 October 1979.

Certification No. 159.15/1079/3/II, Model STS–4, certified for use on uninspected vessels, certified for use in fresh, brackish and salt water, manufactured by Ishida Senpaku Kogyo Co., Serita Bldg., 5–3–13 Minami Shinagawa, Shinagawa-Ku, Tokyo, Japan, effective 10 October 1979.

Certification No. 159.15/1079/4/II, Model Fortune, certified for use on uninspected vessels, certified for use in fresh, brackish and salt water, manufactured by Ishida Senpaku Kogyo Co., Serita Bldg., 5–3–13 Minami Shinagawa, Shinagawa-Ku, Tokyo, Japan, effective 10 October 1979.

Certification No. 159.15/1079/5/II, Model Freedom, certified for use on uninspected vessels, certified for use in fresh, brackish and salt water, manufactured by Ishida Senpaku Kogyo Co., Serita Bldg., 5–3–13 Minami Shinagawa, Shinagawa-Ku, Tokyo, Japan, effective 10 October 1979.

Certification No. 159.15/1081/1/II, Model ST–2, certified for use on uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 260 GPD, manufactured by Conseco, Inc., 611 North Road, Medford, WI 54451, effective 10 October 1979.

Certification No. 159.15/1081/2/II, Model ST–4, certified for use on uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 720 GPD, manufactured by Conseco, Inc., 611 North Road, Medford, WI 54451, effective 10 October 1979.

Certification No. 159.15/1081/3/II, Model ST–6, certified for use on uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 1080 GPD, manufactured by Conseco, Inc., 611 North Road, Medford, WI 54451, effective 10 October 1979.

Certification No. 159.15/1081/4/II, Model ST–8, certified for use on uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 1440 GPD, manufactured by Conseco, Inc., 611 North Road, Medford, WI 54451, effective 10 October 1979.

Certification No. 159.15/1081/5/II, Model ST–10, certified for use on uninspected vessels, certified for use in fresh, brackish and salt water, average capacity 1800 GPD, manufactured by Conseco, Inc., 611 North Road, Medford, WI 54451, effective 10 October 1979.

Henry H. Bell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

July 28, 1980.

[FR Doc. 80–23371 Filed 8–1–80; 8:45 am]

BILLING CODE 4910–14–M

[CGD 80–88]

Equipment, Construction, and Materials

AGENCY: Coast Guard, DOT.

ACTION: Termination of approval notice.

1. Certain laws and regulations (46 CFR Chapter 1) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the Outer Continental Shelf be of the types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from 2 January 1980 to 8 May 1980 (List No. 2–80) These actions were taken in accordance with the Procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 146(b)). The specifications prescribed by the Commandant, U.S. Coast Guard, for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

Supplied-Air Respirator

Approval No. 160.011/1/3, MSA One-Man Combination Hose Mask, supplied-air respirator; Part No. 457140 with centrifugal blower and one-man combination hose mask with displacement blower, Part No. 457141, both with MSA Ultra-Vue facepiece and Cleartone speaking diaphragm facepiece, manufactured by Mine Safety Appliances Co., 201 North Braddock Avenue, Pittsburgh, PA 15208. Approval No. 160.011/1/3 dated 2 February 1976 was terminated effective 31 March 1980.

Container for Emergency Provisions

Approval No. 160.026/12/4, container for emergency provisions, manufactured by Globe Equipment Corp., 681 Main Street, Belleville, NJ 07109. Approval No. 160.026/12/4 dated 11 April 1975 was terminated effective 31 March 1980.

Approval No. 160.026/20/0, container for emergency provisions, manufactured by Globe Equipment Corp., 681 Main Street, Belleville, NJ 07109. Approval No. 160.026/20/0 dated 11 April 1975 was terminated effective 31 March 1980.

Emergency Drinking Water (In Hermetically Sealed Containers)

Approval No. 160.026/27/2, container for emergency drinking water, manufactured by Globe Equipment Corp., 681 Main Street, Belleville, NJ

07109. Approval No. 160.026/27/2 dated 11 April 1975 was terminated effective 31 March 1980.

Kapok Buoyant Vest

Approval No. 160.047/632/0, Adult, Model AK–1, standard kapok buoyant vest, Type II PFD, manufactured by Swan Products Co., Inc., 25 Brighton Street, Passaic, NJ 07055. Approval No. 160.047/632/0 dated 30 December 1974 was terminated effective 15 April 1980.

Approval No. 160.047/633/0, Child Medium, Model CKM–1, standard kapok buoyant vest, Type II PFD, manufactured by Swan Products Co., Inc., 25 Brighton Street, Passaic, NJ 07055. Approval No. 160.047/633/0 dated 30 December 1974 was terminated effective 15 April 1980.

Approval No. 160.047/634/0, Child Small, Model CKS–1, standard kapok buoyant vest, Type II PFD, manufactured by Swan Products Co., Inc., 25 Brighton Street, Passaic, NJ 07055. Approval No. 160.047/634/0 dated 30 December 1974 was terminated effective 15 April 1980.

Approval No. 160.047/638/0, Adult, Model AK–1, standard kapok buoyant vest, Type II PFD, manufactured by Miltco Products Corp. for Elvin Salow Co., 15 East Street, Boston, MA 02211. Approval No. 160.047/638/0 dated 15 December 1977 was terminated effective 9 April 1980.

Approval No. 160.047/639/0, Child Medium, Model CKM–1, standard kapok buoyant vest, Type II PFD, manufactured by Miltco Products Corp. for Elvin Salow Co., 15 East Street, Boston, MA 02211. Approval No. 160.047/639/0 dated 15 December 1977 was terminated effective 9 April 1980.

Approval No. 160.047/640/0, Child Small, Model CKS–1, standard kapok buoyant vest, Type II PFD, manufactured by Miltco Products Corp. for Elvin Salow Co., 15 East Street, Boston, MA 02211. Approval No. 160.047/640/0 dated 15 December 1977 was terminated effective 9 April 1980.

Kapok Buoyant Cushions

Approval No. 160.048/231/0, Group approval for rectangular and trapezoidal kapok buoyant cushions, Type IV PFD, manufactured by Swan Products Co., Inc., 25 Brighton Street, Passaic, NJ 07055. Approval No. 160.048/231/0 dated 30 December 1974 was terminated effective 15 April 1980.

Approval No. 160.048/238/0, Special approval for 13" x 18" x 2" rectangular ribbed-type kapok buoyant cushion, 21 oz. kapok, Type IV PFD, manufactured by Ero Mfg. Co. for Sears, Roebuck and Co., Dept. 606, Sears Tower, Chicago, IL 60684. Approval No. 160.048/238/0 dated 8 November 1974 was terminated effective 3 April 1980.

Unicellular Plastic Ring Life Buoy

Approval No. 160.050/56/0, 30 inch ring life buoy, fibrous glass wrapped unicellular plastic foam core, Type IV PFD, manufactured by Gladding Corp., Flotation Div., Box 8277, Greenville, SC 29604. Approval No. 160.050/56/0 dated 1 February 1974 was terminated effective 31 March 1980.

Approval No. 160.050/57/0, 24 inch ring life buoy, fibrous glass wrapped unicellular plastic foam core, Type IV PFD, manufactured by Gladding Corp., Flotation Div., Box 8277, Greenville, SC 29604. Approval No. 160.050/57/0 dated 1 February 1974 was terminated effective 31 March 1980.

Approval No. 160.050/58/0, 20 inch ring life buoy, fibrous glass wrapped unicellular plastic foam core, Type IV PFD, manufactured by Gladding Corp., Flotation Div., Box 8277, Greenville, SC 29604. Approval No. 160.050/58/0 dated 1 February 1974 was terminated effective 31 March 1980.

Unicellular Plastic Foam Buoyant Vest

Approval No. 160.052/190/1, Adult, Model No. 4155, non-standard unicellular plastic foam buoyant vest, Type II PFD, manufactured by Ero Industries, Inc., 308 South Williams Street, Hazlehurst, GA 31539. Approval No. 160.052/190/1 dated 8 November 1979 was terminated effective 22 April 1980.

Approval No. 160.052/191/1, Child Medium, Model No. 4160, non-standard unicellular plastic foam buoyant vest, Type II PFD, manufactured by Ero Industries, Inc., 308 South Williams Street, Hazlehurst, GA 31539. Approval No. 160.052/191/1 dated 8 November 1979 was terminated effective 22 April 1980.

Approval No. 160.052/192/1, Child Small, Model No. 4165, non-standard unicellular plastic foam buoyant vest, Type II PFD, manufactured by Ero Industries, Inc., 308 South Williams Street, Hazlehurst, GA 31539. Approval No. 160.052/192/1 dated 8 November 1979 was terminated effective 22 April 1980.

Approval No. 160.052/417/0, Adult, Model AP, non-standard unicellular plastic foam buoyant vest, Type II PFD, manufactured by Medalist Water Sports for Medalist Industries, Inc., 11525 Sorrento Valley Road, San Diego, CA 92121. Approval No. 160.052/417/0 dated 5 April 1976 was terminated effective 29 April 1980.

Approval No. 160.052/418/0, Child Medium, Model CPM, non-standard unicellular plastic foam buoyant vest, Type II PFD, manufactured by Medalist Water Sports for Medalist Industries, Inc., 11525 Sorrento Valley Road, San Diego, CA 92121. Approval No. 160.052/418/0 dated 5 April 1976 was terminated effective 29 April 1980.

Approval No. 160.052/419/0, Child Small, Model CPS, non-standard unicellular plastic foam buoyant vest, Type II PFD, manufactured by Medalist Water Sports for Medalist Industries, Inc., 11525 Sorrento Valley Road, San Diego, CA 92121. Approval No. 160.052/410/0 dated 5 April 1976 was terminated effective 29 April 1980.

Marine Buoyant Device

Approval No. 160.064/264/0, Child Medium, Model No. CDV–4, Type III PFD, manufactured by Medalist Water Sports for Mermatec, Inc., 11525 Sorrento Valley Road, San Diego, CA 92121. Approval No. 160.064/264/0 dated 7 April 1976 was terminated effective 6 March 1980.

Approval No. 160.064/265/0, Adult, Model No. CDV–5, Type III PFD, manufactured by Medalist Water Sports for Mermatec, Inc., 11525 Sorrento Valley Road, San Diego, CA 92121. Approval No. 160.064/265/0 dated 7 April 1976 was terminated effective 6 March 1980.

Approval No. 160.064/266/0, Adult, Model No. CDV–6, Type III PFD, manufactured by Medalist Water Sports for Mermatec, Inc., 11525 Sorrento Valley Road, San Diego, CA 92121. Approval No. 160.064/266/0 dated 7 April 1976 was terminated effective 6 March 1980.

Approval No. 160.064/267/0, Adult, Model No. CDV–7, Type III PFD, manufactured by Medalist Water Sports for Mermatec, Inc., 11525 Sorrento Valley Road, San Diego, CA 92121. Approval No. 160.064/267/0 dated 7 April 1980 was terminated effective 6 March 1980.

Approval No. 160.064/268/0, Adult, Model No. CDV–8, Type III PFD, manufactured by Medalist Water Sports for Mermatec, Inc., 11525 Sorrento Valley Road, San Diego, CA 92121. Approval No. 160.064/268/0 dated 7 April 1980 was terminated effective 6 March 1980.

Approval No. 160.064/269/0, Adult, Model No. CLF–5, Type III PFD, manufactured by Medalist Water Sports for Mermatec, Inc., 11525 Sorrento Valley Road, San Diego, CA 92121. Approval No. 160.064/269/0 dated 7 April 1976 was terminated effective 6 March 1980.

Approval No. 160.064/362/0, Child Medium, Model No. 3H34A, Type III PFD, manufactured by Medalist Water Sports for Chrysler Outboard Corp.,

Hartford, WI 53027. Approval No. 160.064/362/0 dated 31 March 1976 was terminated effective 9 April 1980.

Approval No. 160.064/363/0, Adult, Model No. 3H35A, Type III PFD, manufactured by Medalist Water Sports for Chrysler Outboard Corp., Hartford, WI 53027. Approval No. 160.064/363/0 dated 31 March 1976 was terminated effective 9 April 1980.

Approval No. 160.064/364/0, Adult, Model No. 3H36A, Type III PFD, manufactured by Medalist Water Sports for Chrysler Outboard Corp., Hartford, WI 53027. Approval No. 160.064/364/0 dated 31 March 1976 was terminated effective 9 April 1980.

Approval No. 160.064/365/0, Adult, Model No. 3H37A, Type III PFD, manufactured by Medalist Water Sports for Chrysler Outboard Corp., Hartford, WI 53027. Approval No. 160.064/365/0 dated 31 March 1976 was terminated effective 9 April 1980.

Approval No. 160.064/366/0, Adult, Model No. 3H38A, Type III PFD, manufactured by Medalist Water Sports for Chrysler Outboard Corp., Hartford, WI 53027. Approval No. 160.064/366/0 dated 31 March 1976 was terminated effective 9 April 1980.

Approval No. 160.064/435/0, Adult X-Large, Model No. ACG 800, Type III PFD, manufactured by Fabrionics, Inc. for American Marine Products, Inc., 240 Shore Drive, Hinsdale, IL 60521. Approval No. 160.064/435/0 dated 22 June 1976 was terminated effective 9 April 1980.

Approval No. 160.064/436/0, Adult Large, Model No. ACG 700, Type III PFD, manufactured by Fabrionics, Inc. for American Marine Products, Inc., 240 Shore Drive, Hinsdale, IL 60521. Approval No. 160.064/436/0 dated 22 June 1976 was terminated effective 9 April 1980.

Approval No. 160.064/437/0, Adult Medium, Model No. ACG 650, Type III PFD, manufactured by Fabrionics, Inc. for American Marine Products, Inc., 240 Shore Drive, Hinsdale, IL 60521. Approval No. 160.064/437/0 dated 22 June 1976 was terminated effective 9 April 1980.

Approval No. 160.064/453/0, Child Small, Model No. CGSV–F, Type III PFD, manufactured by Medalist Water Sports for Mermatec, Inc., 11525 Sorrento Valley Road, San Diego, CA 92121. Approval No. 160.064/453/0 dated 7 April 1976 was terminated effective 1 May 1980.

Approval No. 160.064/454/0, Child Small, Model No. CGSV–J, Type III PFD, manufactured by Medalist Water Sports for Mermatec, Inc., 11525 Sorrento Valley Road, San Diego, CA 92121. Approval No. 160.064/454/0 dated 7 April 1976 was terminated effective 1 May 1980.

Approval No. 160.064/461/0, Child Small, Model No. 86, Type III PFD, manufactured by Western Water Skis, 6077 S.W. Lakeview Boulevard, Lake Oswego, OR 97034. Approval No. 160.064/461/0 dated 5 March 1975 was terminated effective 5 March 1980.

Approval No. 160.064/462/0, Child Large, Model No. 87, Type III PFD, manufactured by Western Water Skis 6077 S.W. Lakeview Boulevard, Lake Oswege, OR 97034. Approval No. 160.064/462/0 dated 5 March 1975 was terminated effective 5 March 1980.

Approval No. 160.064/463/0, Adult Small, Model No. 88, Type III PFD, manufactured by Western Water Skis 6077 S.W. Lakeview Boulevard, Lake Oswege, OR 97034. Approval No. 160.064/463/0 dated 5 March 1975 was terminated effective 5 March 1980.

Approval No. 160.064/464/0, Adult Medium, Model No. 89, Type III PFD, manufactured by Western Water Skis 6077 S.W. Lakeview Boulevard, Lake Oswege, OR 97034. Approval No. 160.064/464/0 dated 5 March 1975 was terminated effective 5 March 1980.

Approval No. 160.064/465/0, Adult Large, Model No. 90, Type III PFD, manufactured by Western Water Skis 6077 S.W. Lakeview Boulevard, Lake Oswege, OR 97034. Approval No. 160.064/465/0 dated 5 March 1975 was terminated effective 5 March 1980.

Approval No. 160.064/466/0, Adult X-Large, Model No. 91, Type III PFD, manufactured by Western Water Skis 6077 S.W. Lakeview Boulevard, Lake Oswege, OR 97034. Approval No. 160.064/466/0 dated 5 March 1975 was terminated effective 5 March 1980.

Approval No. 160.064/467/0, Adult Ladies, Model No. 92, Type III PFD, manufactured by Western Water Skis 6077 S.W. Lakeview Boulevard, Lake Oswege, OR 97034. Approval No. 160.064/467/0 dated 5 March 1975 was terminated effective 5 March 1980.

Approval No. 160.064/468/0, Adult Ladies, Model No. 93, Type III PFD, manufactured by Western Water Skis 6077 S.W. Lakeview Boulevard, Lake Oswege, OR 97034. Approval No. 160.064/468/0 dated 5 March 1975 was terminated effective 5 March 1980.

Approval No. 160.064/495/0, Child Small, Model No. VCS, Type III PFD, manufactured by Texas Recreation Corp., P.O. Drawer 539, Wichita Falls, TX 76307. Approval No. 160.064/495/0 dated 4 April 1978 was terminated effective 14 April 1980.

Approval No. 160.064/496/0, Child X-Small, Model No. VCXS, Type III PFD, manufactured by Texas Recreation Corp., P.O. Drawer 539, Wichita Falls, TX 76307. Approval No. 160.064/496/0, dated 4 April 1978 was terminated effective 14 April 1980.

Approval No. 160.064/582/0, Adult Large, Model No. 800, Type III PFD, manufactured by Cypress Gardens Skies, Inc., P.O. Box 8, Hoover Road, Cypress Gardens, FL 33880. Approval No. 160.064/582/0 dated 2 April 1979 was terminated effective 22 April 1980.

Approval No. 160.064/591/0, Adult Medium, Model No. SKV-2, Type III PFD, manufactured by Fabrionics, Inc. for Nova Products, Inc., 205 Johnson Avenue, Carrollton, GA 30117. Approval No. 160.064/591/0 dated 8 October 1974 was terminated effective 22 January 1980.

Approval No. 160.064/592/0, Adult Large, Model No. SKV-3, Type III PFD, manufactured by Fabrionics, Inc. for Nova Products, Inc., 205 Johnson Avenue, Carrollton, GA 30117. Approval No. 160.064/592/0 dated 8 October 1974 was terminated effective 22 January 1980.

Approval No. 160.064/593/0, Adult X-Large, Model No. SKV-4,, Type III PFD, manufactured by Fabrionics, Inc for Nova Products, Inc., 205 Johnson Avenue, Carrollton, GA 30117. Approval No. 160.064/593/0 dated 8 October 1974 was terminated effective 22 January 1980.

Approval No. 160.064/623/0, Adult, Model No. 4156, Type II PFD, manufactured by Ero Industries, Inc., 189 West Madison Street, Chicago, IL 60602. Approval No. 160.064/623/0 dated 11 February 1975 was terminated effective 11 February 1980.

Approval No. 160.064/624/0, Child Medium, Model No. 4161, Type II PFD, manufactured by Ero Industries, Inc., 189 West Madison Street, Chicago, IL 60602. Approval No. 160.064/624/0 dated 11 February 1975 was terminated effective 11 February 1980.

Approval No. 160.064/625/0, Child Small, Model No. 4166, Type II PFD, manufactured by Ero Industries, Inc., 189 West Madison Street, Chicago, IL 60602. Approval No. 160.064/625/0 dated 11 February 1975 was terminated effective 11 February 1980.

Approval No. 160.064/630/0, Adult, Model No. 63221, Type II PFD, manufactured by Ero Industries, Inc., for Sears, Roebuck and Co., Dept. 606, Sears Tower, Chicago, IL 60684. Approval No. 160.064/630/0 dated 3 October 1974 was terminated effective 1 May 1980.

Approval No. 160.064/631/0, Child Medium, Model No. 63222, Type II PFD, manufactured by Ero Industries, Inc., for Sears, Roebuck and Co., Dept. 606, Sears Tower, Chicago, IL 60684. Approval No. 160.064/631/0 dated 3 October 1974 was terminated effective 1 May 1980.

Approval No. 160.064/632/0, Child Small, Model No. 63223, Type II PFD, manufactured by Ero Industries, Inc., for Sears, Roebuck and Co., Dept. 606, Sears Tower, Chicago, IL 60684. Approval No. 160.064/632/0 dated 3 October 1974 was terminated effective 1 May 1980.

Approval No. 160.064/651/0, Adult Small, Model No. 900, Type III PFD, manufactured by Cypress Garden Skis, Inc., P.O. Box 8, Hoover Road, Cypress Garden, FL 33880. Approval No. 160.064/651/0 dated 2 April 1979 was terminated effective 22 April 1980.

Approval No. 160.064/661/0, Adult Large, Model No. 7715, Type III PFD, manufactured by Fabrionics, Inc. for Ero Industries, Inc., 189 West Madison Street, Chicago, IL 60602.. Approval No. 160.064/661/0 dated 8 October 1974 was terminated effective 24 April 1980.

Approval No. 160.064/662/0, Adult X-Large, Model No. 7710, Type III PFD, manufactured by Fabrionics, Inc. for Ero Industries, Inc., 189 West Madison Street, Chicago, IL 60602. Approval No. 160.064/662/0 dated 8 October 1974 was terminated effective 24 April 1980.

Approval No. 160.064/663/0, Adult Small, Style White Water Vest, Type III PFD, manufactured by Seda Products, P.O. Box 41B, San Ysidro, CA 92173. Approval No. 160.064/663/0 dated 11 March 1975 was terminated effective 11 March 1980.

Approval No. 160.064/664/0, Adult Medium, Style White Water Vest, Type III PFD, manufactured by Seda Products, P.O. Box 41B, San Ysidro, CA 92173. Approval No. 160.064/664/0 dated 11 March 1975 was terminated effective 11 March 1980.

Approval No. 160.064/655/0, Adult Large, Style White Water Vest, Type III PFD, manufactured by Seda Products, P.O. Box 41B, San Ysidro, CA 92173. Approval No. 160.064/665/0 dated 11 March 1975 was terminated effective 11 March 1980.

Approval No. 160.064/666/0, Adult X-Large, Style White Water Vest, Type III PFD, manufactured by Seda Products, P.O. Box 41B, San Ysidro, CA 92173. Approval No. 160.064/666/0 dated 11 March 1975 was terminated effective 11 March 1980.

Approval No. 160.064/672/0, Adult Medium, Model No. 7720, Type III PFD, manufactured by Fabrionics, Inc. for Ero Industries, Inc., 189 West Madison Street, Chicago, IL 60602. Approval No. 160.064/672/0 dated 8 November 1974 was terminated effective 24 April 1980.

Approval No. 160.064/676/0, Ring Buoy, Model No. 80404, Type IV PFD, manufactured by American Marine Products, 240 Shore Drive, Hinsdale, IL 60521. Approval No. 160.064/676/0 dated 11 February 1975 was terminated effective 23 April 1980.

Approval No. 160.064/682/0, Child Medium, Model No. SKV-1, Type III PFD, manufactured by Fabrionics, Inc. for Nova Products, Inc., 205 Johnson Avenue, Carrollton GA 30117.. Approval No. 160.064/682/0 dated 8 October 1974 was terminated effective 9 April 1980.

Approval No. 160.064/691/0, Child Medium, Model No. ACG 400, Type III PFD, manufactured by Fabrionics, Inc. for American Marine Proudcts, Inc., 240 Shore Drive, Hinsdale, IL 60521. Approval No. 160.064/691/0 dated 22 June 1976 was terminated effective 8 April 1980.

Approval No. 160.064/751/0, Adult Small, Model No. NCS-G, Type III PFD, manufactured by American's Cup, Inc. for Taperflex of America, 558 Library Street, San Fernando, CA 91341. Approval No. 160.064/751/0 dated 12 September 1974 was terminated effective 7 April 1980.

Approval No. 160.064/752/0, Adult Medium, Model No. NCM-G, Type III PFD, manufactured by American's Cup, Inc. for Taperflex of America, 558 Library Street, San Fernando, CA 91341. Approval No. 160.064/752/0 dated 12 September 1974 was terminated effective 7 April 1980.

Approval No. 160.064/753/0, Adult Large, Model No. NCL-G, Type III PFD, manufactured by American's Cup, Inc. for Taperflex of America, 558 Library Street, San Fernando, CA 91341. Approval No. 160.064/753/0 dated 12 September 1974 was terminated effective 7 April 1980.

Approval No. 160.064/767/0, Adult, Model Nos. 501, 511, 521, 541 or 551, Type III PFD, manufactured by Himalayan Industries, Inc., 301 Mulberry Street, Pine Bluff, AR 71601. Approval No. 160.064/767/0 dated 5 December 1974 was terminated effective 22 January 1980.

Approval No. 160.064/768/0, Adult, Model Nos. 502, 512, 522, 542 or 552, Type III PFD, manufactured by Himalayan Industries, Inc., 301 Mulberry Street, Pine Bluff, AR 71601. Approval No. 160.064/768/0 dated 5 December 1974 was terminated effective 22 January 1980.

Approval No. 160.064/769/0, Adult, Model Nos. 503, 513, 523, 543 or 553, Type III PFD, manufactured by Himalayan Industries, Inc., 301 Mulberry Street, Pine Bluff, AR 71601. Approval No. 160.064/768/0 dated 5 December 1974 was terminated effective 22 January 1980.

Approval No. 160.064/770/0, Adult, Model Nos. 504, 514, 524, 544 or 554, Type III PFD, manufactured by Himalayan Industries, Inc., 301 Mulberry Street, Pine Bluff, AR 71601. Approval No. 160.064/764/0 dated 5 December 1975 was terminated effective 22 January 1980.

Approval No. 160.064/779/0, Adult, Model No. 63255, Type III PFD, manufactured by Ero Industries, Inc., for Sears, Roebuck and Co., Dept. 606, Sears Tower, Chicago, IL 60684. Approval No. 160.064/779/0 dated 30 December was terminated effective 3 April 1980.

Approval No. 160.064/799/0, Adult, Model No. AV–2, Type III PFD, manufactured by Cypress Gardens Skis, Inc., P.O. Box 8, Hoover Road, Cypress Gardens, FL 33880. Approval No. 160.064/799/0 dated 30 December 1974 was terminated effective 3 April 1980.

Approval No. 160.064/800/0, Adult, Model No. AV–2, Type III PFD, manufactured by Cypress Gardens Skis, Inc., P.O. Box 8, Hoover Road, Cypress Gardens, FL 33880. Approval No. 160.064/800/0 dated 30 December 1974 was terminated effective 3 April 1980.

Approval No. 160.064/801/0, Adult, Model No. AV–2, Type III PFD, manufactured by Cypress Gardens Skis, Inc., P.O. Box Hoover Road, Cypress Gardens, FL 33880. Approval No. 160.064/801/0 dated 30 December 1974 was terminated effective 3 April 1980.

Approval No. 160.064/816/0, 18 inch ring life buoy, Model No. RB–18, Type IV PFD, manufactured by Carlon Products Co. for American Marine Products, 240 Shore Drive, Hinsdale, IL 60521. Approval No. 160.064/816/0 dated 21 January 1975 was terminated effective 31 March 1980.

Approval No. 160.064/846/0, Child Medium, Model No. 8318–34, Type III PFD, manufactured by Quality Built Products Co. for Kent Sporting Goods Co., 710 Orange Street, Ashland, OH 44805. Approval No. 160.064/846/0 dated 22 January 1975 was terminated effective 31 March 1980.

Approval No. 160.064/847/0, Adult, Medium, Model No. 8418–34, Type III PFD, manufactured by Quality Built Products Co., for Kent Sporting Goods Co., 710 Orange Street, Ashland, OH 44805. Approval No. 160.064/847/0 dated 22 January 1975 was terminated effective 31 March 1980.

Approval No. 160.064/848/0, Adult, Large, Model No. 8818–34, Type III PFD, manufactured by Quality Built Products Co. for Kent Sporting Goods Co., 710 Orange Street, Ashland, OH 44805. Approval No. 160.064/848/0 dated 22 January 1975 was terminated effective 31 March 1980.

Approval No. 160.064/849/0, Adult, X-Large, Model No. 8918–34, Type III PFD, manufactured by Quality Built Products Co., for Kent Sporting Goods Co., 710 Orange Street, Ashland, OH 44805.

Approval No. 160.064/849/0 dated 22 January 1975 was terminated effective March 1980.

Approval No. 160.064/879/0, Child Small, Model JRV, Type III PFD, manufactured by Cypress Gardens Skis, Inc., P.O. Box 8, Hoover Road, Cypress Gardens, FL 33880. Approval No. 160.064/879/0 dated 23 June 1975 was terminated effective 22 April 1980.

Approval No. 160.064/880/0, Child Medium, Model JRV, Type III PFD, manufactured by Cypress Gardens Skis, Inc., P.O. Box 8, Hoover Road, Cypress Gardens, FL 33880. Approval No. 160.064/880/0 dated 23 June 1975 was terminated effective 22 April 1980.

Approval No. 160.064/892/0, Adult, Model JRV, Type III PFD, manufactured by Cypress Gardens Skis, Inc., P.O. Box 8, Hoover Road, Cypress Gardens, FL 33880. Approval No. 160.064/892/0 dated 23 June 1975 was terminated effective 22 April 1980.

Approval No. 160.064/1006/0, Adult, Model AGC 900, Type III PFD, manufactured by Fabrionics, Inc., for American Marine Products, Inc., 240 Shore Drive, Hinsdale, IL 60521. Approval No. 160.064/1006/0 dated 18 August 1975 was terminated effective 9 April 1980.

Approval No. 160.064/1046/0, Adult, Model AGC 601, Type III PFD, manufactured by Fabrionics, Inc., for American Marine Products, Inc., 240 Shore Drive, Hinsdale, IL 60521. Approval No. 160.064/1046/0 dated 24 November 1975 was terminated effective 9 April 1980.

Approval No. 160.064/1047/0, Adult, Model AGC 701, Type III PFD, manufactured by Fabrionics, Inc., for American Marine Products, Inc., 240 Shore Drive, Hinsdale, IL 60521. Approval No. 160.064/1047/0 dated 24 November 1975 was terminated effective 9 April 1980.

Approval No. 160.064/1048/0, Adult, Model ACG 801, Type III PFD, manufactured by Fabrionics, Inc. for American Marine Products, Inc., 240 Shore Drive, Hinsdale, IL 60521. Approval No. 160.064/1048/0 dated 24 November 1975 was terminated effective 9 April 1980.

Approval No. 160.064/1050/0, Adult, Model No. SKV–2A, Type III PFD, manufactured by Fabrionics, Inc. for Nova Products, Inc., 205 Johnson Avenue, Carrollton, GA 30117. Approval No. 160.064/1050/0 dated 21 November 1975 was terminated effective 9 April 1980.

Approval No. 160.064/1051/0, Adult, Model No. SKV–3A, Type III PFD, manufactured by Fabrionics, Inc. for Nova Products, Inc., 205 Johnston Avenue, Carrollton, GA 30117. Approval No. 160.064/1051/0 dated 21 November 1975 was terminated effective 9 April 1980.

Approval No. 160.064/1052/0, Adult, Model No. SKV–4A, Type III PFD, manufactured by Fabrionics, Inc. for Nova Products, Inc., 205 Johnson Avenue, Carrollton, GA 30117. Approval No. 160.064/1052/0 dated 21 November 1975 was terminated effective 9 April 1980.

Approval No. 160.064/1053/0, Adult, Model No. SKV–5, Type III PFD, manufactured by Fabrionics, Inc. for Nova Products, Inc., 205 Johnson Avenue, Carrollton, GA 30117. Approval No. 160.064/1053/0 dated 21 November 1975 was terminated effective 9 April 1980.

Approval No. 160.064/1060/0, Adult, Model No. 7705, Type III PFD, manufactured by Fabrionics, Inc. for Ero Industries, Inc., 189 West Madison Street, Chicago, IL 60602. Approval No. 160.064/1060/0 dated 21 November 1975 was terminated effective 24 April 1980.

Approval No. 160.064/1137/0, Child, Model No. 84, Type III PFD, manufactured by Western Water Skis, 6077 S.W. Lakeview Boulevard, Lake Oswego, OR 97034. Approval No. 160.064/1137/0 dated 23 August 1976 was terminated effective 5 March 1980.

Approval No. 160.064/1138/0, Child, Model No. 85, Type III PFD, manufactured by Western Water Skis, 6077 S.W. Lakeview Boulevard, Lake Oswego, OR 97034. Approval No. 160.064/1137/0 dated 23 August 1976 was terminated effective 5 March 1980.

Approval No. 160.064/1139/0, Adult, Model No. 94, Type III PFD, manufactured by Western Water Skis, 6077 S.W. Lakeview Boulevard, Lake Oswego, OR 97034. Approval No. 160.064/1139/0 dated 23 August 1976 was terminated effective 5 March 1980.

Approval No. 160.064/1140/0, Adult, Model No. 95, Type III PFD, manufactured by Western Water Skis, 6077 S.W. Lakeview Boulevard, Lake Oswego, OR 97034. Approval No. 160.064/1140/0 dated 23 August 1976 was terminated effective 5 March 1980.

Approval No. 160.064/1141/0, Adult, Model No. 96, Type III PFD, manufactured by Western Water Skis, 6077 S.W. Lakeview Boulevard, Lake Oswego, OR 97034. Approval No. 160.064/1141/0 dated 23 August 1976 was terminated effective 5 March 1980.

Approval No. 160.064/1142/0, Adult, Model No. 97, Type III PFD, manufactured by Western Water Skis, 6077 S.W. Lakeview Boulevard, Lake Oswego, OR 97034. Approval No. 160.064/1142/0 dated 23 August 1976 was terminated effective 5 March 1980.

Approval No. 160.064/1234/0, Adult Small, Model M–112, Type III PFD, manufactured by Simpson Marine Equipment, Inc., 22630 South Normandie Avenue, Torrance, CA 90502. Approval No. 160.064/1234/0 dated 4 August 1978 was terminated effective 14 April 1980.

Approval No. 160.064/1235/0, Adult Medium, Model M–112, Type III PFD, manufactured by Simpson Marine Equipment, Inc., 22630 South Normandie Avenue, Torrance, CA 90502. Approval No. 160.064/1235/0 dated 4 August 1978 was terminated effective 14 April 1980.

Approval No. 160.064/1236/0, Adult Large, Model M–112, Type III PFD, manufactured by Simpson Marine Equipment, Inc., 22630 South Normandie Avenue, Torrance, CA 90502. Approval No. 160.064/1236/0 dated 4 August 1978 was terminated effective 14 April 1980.

Approval No. 160.064/1237/0, Adult X-Large, Model M–112, Type III PFD, manufactured by Simpson Marine Equipment, Inc., 22630 South Normandie Avenue, Torrance, CA 90502. Approval No. 160.064/1237/0 dated 4 August 1978 was terminated effective 14 April 1980.

Approval No. 160.064/1341/0, Adult Large, Model No. 901, Type III PFD, manufactured by Fabrionics, Inc. for American Marine Products, Inc., 240 Shore Drive, Hinsdale, IL 60521. Approval No. 160.064/1341/0 dated 22 November 1977 was terminated effective 9 April 1980.

Pressure Vacuum Relief Valve

Approval No. 162.017/85/0, Figure No. 720 pressure vacuum relief valve, enclosed pattern, without pressure or vacuum unloader, weight loaded poppets, bronze parts except monel screen, 6" inlet, 6" outlet, manufactured by Emerson Electric Co., Varec Div., 301 E. Alondra Boulevard, Gardena, CA 90247. Approval No. 162.017/85/0 dated 11 April 1975 was terminated effective 8 May 1980.

Approval No. 162.017/86/0, Figure No. 720B pressure vacuum relief valve, enclosed pattern, with pressure but not vacuum unloader, weight loaded poppets, bronze parts except monel screen, 6" inlet, 6" outlet, manufactured by Emerson Electric Co., Varec Div., 301 E. Alondra Boulevard, Gardena, CA 90247. Approval No. 162.017/86/0 dated 11 April 1975 was terminated effective 8 May 1980.

Bulkhead Panels

Approval No. 164.008/75/0, TAC bulkhead panel "LIMPET Marine Board", approved as meeting Class B–15 requirements in a density of 36 to 42 lbs./cubic ft. in a ¾" thickness, manufactured by TAC Construction Materials, Ltd., Building and Insulation

Div., P.O. Box 22, Trafford Park, Manchester M17 1RU, England. Approval No. 164.008/75/0 dated 7 April 1975 was terminated effective 23 April 1980.

Dated: July 28, 1980.

Henry H. Bell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

FR Doc. 80-23372 Filed 8-1-80; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

[Summary Notice No. PE-80-20]

Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemptions received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before: August 25, 1980.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No.——, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW, Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on July 29, 1980.

John H. Cassady III,

Acting Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought
20461	John E. Mclain, Raleigh Durham Aviation	14 CFR § 141.35(c)	To allow petitioner to be designated as chief pilot of Cessna Citation type rating course without meeting recency of experience requirements.
20505	Appalachian Flying Service	14 CFR § 135.261(b)	To allow Appalachian Flying Service, to the extent necessary, to use a minimum flightcrew rest period of less than 10 hours in a 24-hour period.
20423	Embry-Riddle Aeronautical University	14 CFR portions of Parts 65 and 147.	To permit petitioner to integrate the written, oral, and practical portions of the FAA mechanic examination into their approved mechanic school curriculum.
15451	Pan American World Airways	14 CFR §§ 91.32(b)(1) and 121.333(c)(2).	To extend the expiration date of an Exemption which grants relief from the requirement for one pilot to wear and use an oxygen mask when both pilots are at the controls when operating the B-747-SP aircraft up to 45,100 feet.
20512	Missionary Aviation Fellowship	14 CFR § 65.91(c)(1)	To waive the requirement for at least three years holding of a A and P Mechanics License for application for an Inspection Authorization.
20496	Gulfstream American	14 CFR § 25.1321	To permit installation of a vertical scale, vertical speed, indicator between the altitude and attitude indicator on only the pilot's panel.
20165	British Midland Airways, Ltd. (BMA)	14 CFR § 91.217(b)(5)	To amend Exemption #2931 to name Dan-Air Engineering, Ltd. as the facility responsible for maintenance support of B-707-312C aircraft, and also to provide that the aircraft be maintained under an FAA approved British Midland Airways Maintenance and Inspection Program.
20513	AiRsearch Manufacturing Company	14 CFR § 33.77(b)	To permit compliance with 1½ pound bird ingestion requirement with a thrust loss in excess of the maximum 25% now allowed, for their AFT 3-6 turbofan engine.

Dispositions of Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought—disposition
20375	Britt Airways, Inc	14 CFR § 121.291	To permit only a mini evacuation demonstration of the 48 passengers from FH 227C aircraft before beginning operations. *Granted 7/10/80.*
20036	Britt Airlines, Inc	14 CFR § 21.197(c)(2)	To allow the petitioner continuing authorization to issue special flight permits. *Granted 7/21/80.*
20391	Mr. Earl M. Utzman	14 CFR 65.71(a)(2)	To enable petitioner to become eligible for an airframe and powerplant mechanic certificate although he cannot speak the English language. *Granted 7/17/80.*
20451	Zelotes R. Knotts, III	14 CFR § 61.65(e)(1)	To permit petitioner to apply for an instrument rating in airplanes without meeting the requirement to have 50 hours cross country flight experience in airplanes. *Granted 7/14/80.*

Dispositions of Petitions for Exemptions—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought—disposition
20173	American Jet Aviation	14 CFR § 135.89(b)(3)	To allow the operation of Learjet aircraft up to, and including, flight level 410 under the crewmember oxygen mask provisions of § 121.333(c), (c)(2), and (c)(3) of the FAR. *Partial grant 7/22/80.*
20190	Northern Air	14 CFR § 135.89(b)(3)	To allow operation of Learjet aircraft up to and including FL 410 without one pilot having to wear and use an oxygen mask. *Partial grant 7/23/80.*
20196	Transamerican Airlines	14 CFR § 121.391(b)	To allow petitioner to operate its DC-8-60 series aircraft with the number of flight attendants specified in 121.391(a) rather than with one additional flight attendant as currently required in its Operations Specifications. *Partial grant 7/14/80.*
20253	Mr. John Brewer Bethel	14 CFR 69.91(c)(1)	To permit petitioner to be eligible for an inspection authorization without meeting the requirements of the Federal Aviation Regulations. *Granted 7/11/80.*
20284	Jet America International, Inc.	14 CFR § 135.89(b)(3)	To allow operation of Learjet Models 23 and 25 aircraft above FL350 without requiring one pilot to wear and use an oxygen mask at all times. *Partial grant 7/22/80.*
20332	Ports of Call Travel Club	14 CFR § 121.291(a)	To allow petitioner to the extent necessary to begin operating B-707-123 aircraft without conducting a full-seating capacity emergency evacuation demonstration. *Granted 7/14/80.*
20354	Sky Flite, Inc	14 CFR §§ 135.89 and 121.333(c)(3) & (4).	To permit flightcrews to operate Learjet aircraft above FL 350 up to and including FL 410 without requiring mask at all times. *Partial grant 7/23/80.*
19825	World Aerobatics, Inc	14 CFR various sections	Amendment to Exemption No. 2496 to allow performances by foreign pilots and airplanes in airshow demonstration flights that are scheduled as part of the World Aerobatic Championships to be held at Oskosh, Wisconsin, August 17-30, 1980. *Granted 7/21/80.*
20358	Key Airlines	14 CFR § 121.61(c)(1)	To allow Mr. Sidney Hurst to serve as Director of Maintenance for Key Airlines without meeting the full 5-year experience requirement. *Granted 7/14/80.*
18507	Mississippi Valley Airlines, Inc	14 CFR Part 93, Subpart K	To amend Condition 2 of Exemption No. 2670 to allow the use of 60 passenger aircraft and extend the Exemption to allow the use of scheduled air taxi IFR reservations at O'Hare Airport, Chicago, Illinois while the petitioner attempts to obtain air carrier IFR reservations. *Granted 7/28/80.*
20350	Air Berlin Charter Co	14 CFR § 121.153(a)(1)	To permit petitioner to use one B-737—222 aircraft under foreign ownership and registry in their 14 CFR Part 121 operation. *Granted 7/15/80.*
20392	Pennsylvania Computer Airlines, Inc	14 CFR § 21.197	To allow petitioner to obtain a special flight permit with continuing authorization to the petitioner. It will permit the petitioner to fly aircraft that do not meet applicable airworthiness requirements but are capable of safe flight to a facility where maintenance or alterations would be performed. *Granted 7/21/80.*
20239	Alban Tractor Co., Inc	14 CFR § 135.89(b)(3)	To allow the operation of Sabreliner 60 aircraft up to and including FL 410 under the crewmember oxygen provisions of Section 121.333(c). *Partial grant 7/23/80.*

[FR Doc. 80-23317 Filed 8-1-80; 8:45 am]
BILLING CODE 4910-13-M

National Highway Traffic Safety Administration

[Docket No. EX79-1; Notice 3]

Model A and Model T Motor Car Reproduction Corp.; Petition for Renewal of Temporary Exemption From Federal Motor Vehicle Safety Standards

Model A and Models T Motor Car Reproduction Corp. of Detroit, Michigan ("Model A" herein) has petitioned for renewal of certain 1-year exemptions expiring September 1, 1980, from several Federal motor vehicle safety standards. The basis of the petition is that compliance would cause substantial economic hardship.

Notice of Model A's original petition was published on July 23, 1979 (44 FR 43135) and notice of grant of the petition on September 27, 1979 (44 FR 55687). This notice of receipt of the petition for renewal is published in accordance with NHTSA regulations on this subject (49 CFR 555.7) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Model A produces a replica of a 1928 Ford Model A roadster. It was exempted from all or a portion of seven Federal motor vehicle safety standards, expiring September 1, 1980. The petitioner states that it has been able to achieve compliance with three of these standards, specifically, Motor Vehicle Safety Standards Nos. 105, *Hydraulic Brake Systems*, 108 *Lamps, Reflective Devices and Associated Equipment*, and 206 *Door Locks and Door Retention components*.

It requests a further one-year exemption from the four remaining standards, asseting its belief that the Model A replica may, in fact, meet three of these. Each will be discussed separately.

Standard 203, *Impact Protection for the Driver From the Steering Control System*

Petitioner employes the "energy absorbing" steering column used on

Ford Fairmont vehicles but did not know in 1979 whether the steering wheel would meet the standard. It termed testing costs prohibitive. In granting the exemption the agency commented that one year would enable Model A to determine whether or not the design complied and, if not, to develop an alternative design. During the exemption period the company concluded that it could not use a Model A replica steering wheel and it now uses the full Fairmont steering wheel and control system. The company appears to consider testing costs prohibitive in seeking a further exemption.

Standard No. 214, *Side Door Strength*

In its original petition Model A argued that its configuration met the intent of the standard to provide protection against impacts from the side. The height above the pavement of the vehicle's 4-inch box frame approximates that of the front bumper heights required by the bumper standard, 49 CFR Part 581, so that in a side crash, the bumper should impact Model A's frame, not its door. In granting the petition, NHTSA commented that a 1-year exemption would allow Model A to verify its theory or to take remedial measures. During the exemption period the company prepared drawings of the frame system and Part 581 bumper systems which verify its theory. Therefore, Model A feels that it meets the spirit of the standard.

Standard No. 301–75, *Fuel System Integrity*

In 1979 petitioner explained that:

> The fuel system was specially designed . . . utilizing Ford engine compartment components and a fuel tank of 14-gauge welded steel construction. . . . This same tank is being used on Ford, Chevrolet, Dodge, International Harvester and Jeep Truck products as an auxiliary tank and is located in the Model A replica forward of the rear axle between the steel frame of the vehicle.

Cost of testing was given as the primary argument for hardship. NHTSA provided a 1-year exemption with the comment that this time would allow a better judgment both by the manufacturers and the agency of the actual state of the vehicle's compliance. Model A now reports that engineering studies have been conducted and demonstrate a "close compliance" based upon Ford's previous testing. Presumably the cost of testing is still burdensome for the company.

With respect to the final standard, No. 202 *Head Restraints*, the company has not succeeded in its efforts to conform. The petitioner's original request was based upon that theory the design changes necessitated by conformance could destroy the character of the vehicle and its sales market. In granting a 1-year exemption NHTSA commented that this apart of passenger protection should and could be provided. During the year Model A said that it has considered several alternative designs. To comply with the standard, however, head restraints would have to be placed 12 inches above the belt line of the vehicle. "Because of the large moment force associated with the design, massive structural components would be necessary which would severely limit the leg room in the [rumble] seat of the Model A and restrict the rearward visibility of the driver." The company, therefore, requests and additional year in which to continue working on the problem.

Model A has produced 2000 cars as of June 25, 1980. From its second fiscal year of operation ending March 31, 1980, it had a net loss before taxes of approximately $300,000. The company argues that a renewal of its exemption would be in the public interest to provide continuing employment for 290 persons ("133 of which are receiving training or were trained under Federal and State CETA Programs and the Federal WIN Program"). Petitioner presented no new arguments that continued exemption would be consistent with traffic safety objectives, but its previous arguments were that the vehicles would be used only occasionally and their limited number would insure that no significant hazard to traffic safety would be presented.

Interested persons are invited to submit comments on the petition for renewal of the exemption of the Model A replica. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, N.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent possible. Notice of final action on the petition will be published in the **Federal Register.**

Comment closing date: September 3, 1980.

(Sec. 3, Pub. L. 92–548, 86 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on July 28, 1980.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 80–23234 Filed 8–1–80; 8:45 am]

BILLING CODE 4910–59–M

[Docket No. IP80–10; Notice 1]

White Motor Corp.; Petition for Exemption From Notice and Remedy for Inconsequential Noncompliance

Correction

In FR Doc. 80–21392, in the issue of Thursday, July 17, 1980, on page 48016, in the middle column, the third paragraph, the sixth line, correct "MARKET LGTS" to read "MARKER LGTS".

BILLING CODE 1505–01–M

Office of the Secretary

Enforcement of Standards Applicable to Shippers and Transporters of Hazardous Waste; Memorandum of Understanding Between the Department of Transportation and the Environmental Protection Agency

CROSS REFERENCE: For a Memorandum of Understanding between the Department of Transportation and the Environmental Protection Agency concerning enforcement of standards applicable to shippers and transporters of hazardous waste, see FR Doc. 80–23314 in the notices section of this issue. Refer to the Table of Contents under "Environmental Protection Agency" to determine the correct page number.

BILLING CODE 6560–01–M

DEPARTMENT OF THE TREASURY

[Dept. Circular; Public Debt Series—No. 23–80]

Treasury Notes of November 15, 1983, Series L–1983

July 31, 1980.

1. Invitation for Tenders

1. 1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $4,000,000,000 of United States securities, designated Treasury Notes of November 15, 1983, Series L–1983 (CUSIP No. 912827 KX 9). The securities will be sold at auction

with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2. 1. The securities will be dated August 15, 1980, and will bear interest from that date, payable on a semiannual basis on May 15, 1981, and each subsequent 6 months on November 15 and May 15 until the principal becomes payable. They will mature November 15, 1983, and will not be subject to call for redemption prior to maturity.

2. 2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2. 3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2. 4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2. 5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3. 1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Tuesday, August 5, 1980. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, August 4, 1980.

3. 2. Each tender must state the face amount of securities bid for. The minimum bid is $5,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11 percent. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3. 3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3. 1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3. 4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3. 5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign cental banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.250. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitve bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4. 1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5. 1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.5., must be made or completed on or before Friday, August 15, 1980. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Tuesday, August 12, 1980. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5. 2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5. 3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5. 4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5. 5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

General Provisions

6. 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6. 2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

[FR Doc. 80-23578 Filed 8-1-80; 10:43 am]

BILLING CODE 4810-40-M

[Dept. Circular; Public Debt Series—No. 24-80]

Treasury Notes of August 15, 1990, Series A-1990

July 31, 1980.

1. Invitation for Tenders

1. 1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $2,750,000,000 of United States securities, designated Treasury Notes of August 15, 1990, Series A-1990 (CUSIP No. 912827 KY 7). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2. 1. The securities will be dated August 15, 1980, and will bear interest from that date, payable on a semiannual basis on February 15, 1981, and each subsequent 6 months on August 15 and February 15 until the principal becomes payable. They will mature August 15, 1990, and will not be subject to call for redemption prior to maturity.

2. 2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2. 3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2. 4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples

of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2. 5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3. 1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Wednesday, August 6, 1980. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, August 5, 1980.

3. 2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11 percent. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3. 3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3. 1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3. 4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3. 5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3. 6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 97.500. That rate of interest will be paid on all of the securities. Based on such interest rates, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3. 7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4. 1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5. 1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, whereever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3. 5., must be made or completed on or before Friday, August 15, 1980. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Tuesday, August 12, 1980. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5. 2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5. 3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5. 4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5. 5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

. General Provisions

6. 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6. 2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

[FR Doc. 80-23579 Filed 8-1-80; 10:43 am]

BILLING CODE 4810-40-M

[Dept. Circular; Public Debt Series—No. 25-80]

10⅜% Treasury Bonds of 2004-2009

July 31, 1980.

1. Invitation for Tenders

1. 1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $1,500,000,000 of United States securities, designated 10⅜% Treasury Bonds of 2004–2009, (CUSIP No. 912810 CK 2). The Securities will be sold at auction, with bidding on the basis of price. Payment will be required at the bid price of each accepted tender in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregrate amount of maturing securities held by them.

2. Description of Securities

2. 1. The securities will be issued August 15, 1980, and are offered as an additional amount of 10⅜% Treasury Bonds of 2004–2009 (CUSIP No. 912810 CK 2) dated November 15, 1979. Payment for the securities will be calculated on the basis of the auction price determined in accordance with the circular, plus accrued interest from May 15, 1980 to August 15, 1980. Interest on the securities offered as an additional issue is payable on a semiannual basis on November 15, 1980, and each subsequent 6 months on May 15 and November 15, until the principal becomes payable. They will mature November 15, 2009, but may be redeemed at the option of the United States on and after November 15, 2004, in whole or in part, at par and accrued interest on any interest payment date or dates, on 4 months' notice of call given in such manner as the Secretary of the Treasury shall prescribe. In case of partial call, the securities to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. Interest on the securities called for redemption shall cease on the date of redemption specified in the notice of call.

2. 2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2. 3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2. 4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupons, registered and book-entry securities, and the transfer of registered securities will be permitted.

2. 5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3. 1. Tenders will be received at Federal Reserve Banks, and Branches, and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Thursday, August 7, 1980. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Wednesday, August 6, 1980.

3. 2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the price offered, expressed on the basis of 100 with two decimals, e.g., 100.00. Common fractions may not be used. Only tenders at a price more than the original issue discount limit of 92.75 will be accepted. Noncompetitive tenders must show the term "noncompetitive"

on the tender form in lieu of a specified price. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3. 3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3. 4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3. 5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and price range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the highest prices, through successively lower prices to the extent required to attain the amount offered. Tenders at the lowest accepted price will be prorated if necessary. Successful competitive bidders will be required to pay the price that they bid. Those submitting noncompetitive tenders will pay the weighted average price in two decimals of accepted competitive tenders. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the price. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the weighted average price of accepted competitive tenders.

3. 6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4. 1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and delivery

5. 1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted, and must include accrued interest from May 15, 1980 to August 15, 1980 in the amount of $25.93750 per $1,000 of securities allotted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4. must be made or completed on or before Friday, August 15, 1980. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Tuesday, August 12, 1980. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5. 2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5. 3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assigned should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5. 4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5. 5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6. 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6. 2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

[FR Doc. 80-23580 Filed 8-1-80; 10:43 am]

BILLING CODE 4810-40-M

VETERANS ADMINISTRATION

Finding of No Significant Impact

The Veterans Administration (VA) has determined that the potential environmental impacts will not be significant as a result of the development of the following projects:

*VAMC American Lake, WA, Renovate Building No. 6 for Patient Privacy & Seismic Corrections
*VAMC Los Angeles, CA (Brentwood), New Dental/Radiology Building
VAMC Brockton, MA, Addition and Renovation for a Spinal Cord Injury Unit 120 beds
VAMC Buffalo, NY, Research and Education Building
*Calverton, NY National Cemetery Develop, 70 Acres
VAMC Clarksburg, WV, Addition and Alternations to Building No. 1
VAMC Durham, NC, Medical Facilities Improvement Addition
VAMC Fresno, CA, Clinical Addition
*VAMC Hampton, VA, Renovate and Expand Spinal Cord Injury Unit
VAMC Jackson, MS, Construct Administrative Offices and Expand Laboratory
VAMC Knoxville, IA, City Sewage Connection System
VAMC Lake City, FL, 120 Bed Nursing Home Care Unit
*Leavenworth, KS National Cemetery Develop, 15 Acres and Administrative Building
VAMC Long Beach, CA, Surgery Addition and Renovation to Building No. 122
*VAMC Lyons, NJ, Renovate Building No. 56
*Massachusetts National Cemetery Develop, 60 Acres
VAMC Northport, NY, Surgical Intensive Care Unit
VAMC Providence, RI, Air Conditioning, Patient Privacy Support, Nursing Call System
*Quantico, VA, National Cemetery Develop, 50 Acres
*Salem, VA, Outpatient, Surgery, Supply, Processing and Distribution
VAMC San Juan, P.R., Solar Collector System
VAMC Sante Fe, NM, Construction of Drainage in Arroyo
*VAMC St. Cloud, MN, Canteen Addition, Building No. 5
VAMC St. Louis, MO, (JB) Nursing Home Care Conversion Building No. 27
VAMC Syracuse, NY, Ambulatory Care Addition
VAMC Tomah, WI, Waste Sewage Treatment System
VAMC West Haven, CT, Clinical Expansion
*VAMC West Roxbury, MA, Spinal Cord Injury Unit and Modernize Building No. 1

An * designates those stations which need to comply with Section 106, Historic Preservation Act of 1966.

These projects were evaluated by checklist analysis sheets and "Findings of No Significant Impact" were concluded based on the information presented. Publication in the **Federal Register** will comply with the requirements of the National Environmental Policy Act Regulations, § 1508.13, Title 40, Code of Federal Regulations.

Checklist analysis sheets which document these findings will be placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the documents may do so at the following office: Mr. Willard Sitler, P.E., Director, Office of Environmental Affairs (003A), Room 1027A, Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420, (202-389-2526). Questions or requests for single copies of the checklist analysis sheets may be addressed to the above office.

Dated: July 25, 1980.

By direction of the Administrator.

Maury S. Cralle, Jr.,

Associate Deputy Administrator.

[FR Doc. 80-23325 Filed 8-1-80; 8:45 am]

BILLING CODE 8320-01-M

FEDERAL COMMUNICATIONS COMMISSION

Notification List

[Canadian List No. 397]

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941 June 30, 1980.

Call letters	Location	Power kW	Antenna	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of commencement of operation
							Number of radials	length (feet)	
CHNO	Sudbury, Ontario, N. 46°26'10", W. 80°58'30" (P.O. 10kW) (Night power increase and day pattern change in operation).	50D/10N	DA-2	*550 kHz* U	III	.....	.....	.....	May 29, 1981.
CKUA	Edmonton, Alberta, N. 53°20'34", W. 113°27'27" (change of night-time directional antenna radiation pattern)	10	DA-2	*580 kHz* U	III	.....	.....	.....	June 30, 1981.
CKCW	Moncton, New Brunswick, N. 46°03'30", W. 64°56'30" (P.O. 10kW, DA-N, N. 46°08'47", W. 64°48'02")	25	DA-2	*1220 kHz* U	II	.....	.....	.....	June 30, 1981.
CFBV	Smithers, British Columbia, N. 54°47'41", W. 127°11'35" (In operation at new site)	1D/0.25N	ND-180	*1230 kHz* U	IV	135	120	320	

Call letters	Location	Power kW	Antenna	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of commencement of operation
							Number of radials	length (feet)	
				1240 kHz					
CJAF	Cabano, Quebec, N. 47°40'30", W. 68°51'15" (Correction of geographical coordinate)	1D/0.25N	ND–181	U	IV	125	120	325	
				1260 kHz					
(New)	Nanaimo, British Columbia, N. 49°09'00", W. 123°48'39" (Day-time antenna radiation pattern omitted from supplementary date List 396)	10	DA–2	U	III	.....	.....	.....	May 29, 1981.
				1270 kHz					
CHWK	Chilliwack, British Columbia, N. 49°08'54", W. 121°51'08" (PO N. 49°12'05", W. 121°56'32", DA–N)	10	DA–1	U	III	.....	.....	.....	June 30, 1981.
				1530 kHz					
CISV	Morden, Manitoba, N. 49°07'16", W. 98°04'01" (Assignment of call letters)	10D/1N	DA–2	U	II	.....	.....	.....	Oct. 30, 1980.

Richard J. Shiben,

Chief, Broadcast Bureau, Federal Communications Commission.

[FR Doc. 80–23281 Filed 8–1–80; 8:45 am]

BILLING CODE 6712–01–M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 151
Monday, August 4, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Commodity Futures Trading Commission	1
Equal Employment Opportunity Commission	2
Federal Maritime Commission	3, 4
Federal Mine Safety and Health Review Commission	5
National Credit Union Administration	6
Occupational Safety and Health Review Commission	7, 8, 9
Railroad Retirement Board	10

1

COMMODITY FUTURES TRADING COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 11:30 A.M. August 5, 1980.

CHANGES IN THE MEETING: Delete the Enforcement item from the Closed meeting.

[S-1465-80 Filed 7-31-80; 9:51 am]

BILLING CODE 6351-01-M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (Eastern time), Friday, August 8, 1980.

PLACE: Commission Conference Room, No. 5240, fifth floor, Columbia Plaza Office Building, 2401 E Street NW., Washington, DC. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Freedom of Information Act Appeal No. 80-5-FOIA-256, concerning a request for data upon which a Commisisoner charge was based, and a delineation of charges filed which were considered and used for the charge.

2. Freedom of Information Act Appeal No. 80-5-FOIA-258, concerning a respondent's attorney's request for materials in a Title VII case file.

3. A proposed contract for personal services in connection with a Court case.

4. Authorization to Request Proposals for fiscal year 1981 ABAR program.

5. Report on Commission Operations by the Executive Director.

Closed to the public:

Litigation Authorization General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Acting Executive Officer, Executive Secretariat, at (202) 634-6748.

This Notice Issued July 31, 1980.

[S-1473-80 Filed 7-31-80; 3:45 pm]

BILLING CODE 6570-06-M

3

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 51041, July 31, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9 a.m., August 6, 1980.

CHANGE IN THE MEETING: Addition of the following item to the open session:

6. Agreement No. 10045-3: Modification of the Florida/Panama Rate Agreement and Agreement No. 10105-1: Modification of the Florida/Guatemala, Honduras and El Salvador Rate Agreement to admit Sea-Land Service, Inc., as a party; to expand their geographic scopes; and for other purposes.

[S-1472-80 Filed 7-31-80; 3:39 pm]

BILLING CODE 6730-01-M

4

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 49430, July 24, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9 a.m., July 30, 1980.

CHANGE IN THE MEETING: Addition of the following item to the closed session:

2. Organization of the Commission.

[S-1471-80 Filed 7-31-80; 3:38 pm]

BILLING CODE 6730-01-M

5

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

July 30, 1980.

TIME AND DATE: 10 a.m., Wednesday, August 6, 1980.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Adams Stone Corporation, Docket No. KENT 80-67-M (Petition for Discretionary Review).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202-653-5632.

[S-1470-80 Filed 7-31-80; 1:56 pm]

BILLING CODE 6820-12-M

6

NATIONAL CREDIT UNION ADMINISTRATION.

TIME AND DATE: 9:30 a.m., Wednesday, August 6, 1980.

PLACE: Seventh floor board room, 1776 G Street NW., Washington, D.C.

STATUS: Open

MATTERS TO BE CONSIDERED:

1. Review of Central Liquidity Facility Lending Rates.

2. Federal Financial Institutions Examination Council Uniform Supervisory Policy on Assessment of Civil Money Penalties.

3. Proposed Delegation of Authority to Grant Special Assistance under Section 208 of the Federal Credit Union Act.

4. Consideration of Month-end Financial Statements for Credit Unions.

5. Consideration of Comments Received on Proposed Rule to Deregulate Section 701.21-1(d) of the NCUA Rules and Regulations. (Establishment of interest rate on loans.)

6. Report of actions taken under delegation of authority.

7. Applications for charters, amendments to charters, bylaw amendments, mergers as may be pending at that time.

RECESS: 10:15 a.m.

TIME AND DATE: 10:30 a.m., Wednesday, August 6, 1980.

PLACE: Seventh floor board room, 1776 G Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Consideration of State Credit Union Insurance Applications. Closed pursuant to exemptions (9)(A)(ii).

2. Administrative Actions under Section 120 of the Federal Credit Union Act. Closed pursuant to exemptions (8), (9)(A)(ii) and (10).

3. Mergers. Closed pursuant to exemptions (8) and (9)(A)(ii).

FOR MORE INFORMATION CONTACT: Rosemary Brady, Secretary of the Board, telephone (202) 357-1100.

[S-1466-80 Filed 7-31-80; 11:54 am]

BILLING CODE 7535-01-M

7

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., August 13, 1980.

PLACE: Room 1101, 1825 K Street NW., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Ms. Patricia Bausell (202) 634–4015.

Dated: July 31, 1980.

[S–1467–80 Filed 7–31–80; 1:53 pm]

BILLING CODE 7600–01–M

8

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., August 20, 1980.

PLACE: Room 1101, 1825 K Street NW., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Ms. Patricia Bausell (202) 634–4015.

Dated: July 31, 1980.

[S–1468–80 Filed 7–31–80; 1:54 pm]

BILLING CODE 7600–01–M

9

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., August 26, 1980.

PLACE: Room 1101, 1825 K Street NW., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Ms. Patricia Bausell (202) 634–4015.

Dated: July 31, 1980.

[S–1469–80 Filed 7–31–80; 1:55 pm]

BILLING CODE 7600–01–M

10

RAILROAD RETIREMENT BOARD.

TIME AND DATE: 10:30 a.m., August 7, 1980.

PLACE: Board's meeting room, eighth floor, headquarters building, 844 Rush Street, Chicago, Illinois, 60611.

CHANGE IN THE MEETING: Additional items to be considered at the portion of the meeting which will be open to the public:

(10) National district managers meeting.
(11) Maurice T. Redmond appeal (voluntary quit).

Additional items to be considered at the portion of the meeting which will be closed to the public:

(C) Appeal from referee's denial of disability annuity, Arthur Jennings.
(D) Appeal from referee's denial of disability annuity, Frank D. Barnes.

CONTACT PERSON FOR MORE INFORMATION: R. F. Butler, Secretary of the Board, COM No. 312–751–4920, FTS No. 387–4920.

[S–1464–80 Filed 7–31–80; 9:37 am]

BILLING CODE 7905–01–M

federal register

Monday
August 4, 1980

Part II

Department of Transportation

Federal Highway Administration

Design and Construction Criteria for Bikeway Construction Projects

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Parts 625, 652 and 663

[FHWA Docket No. 79-3, Notice 2]

Design and Constructon Criteria for Bikeway Construction

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking

SUMMARY: The Federal Highway Administration (FHWA), is issuing this notice of proposed rulemaking (NPRM) to request comments on proposed design and construction criteria for bikeway construction projects. the FHWA has developed a draft entitle "Guide for Bicycle Facilities" as the criteria for Federal-aid bikeway projects. This NPRM proposes to incorporate by reference these criteria in current FHWA regulations. Comments on specific elements of the criteria are requested.

DATE: Comments must be received on or before November 3, 1980.

ADDRESS: Comments should be sent (preferably in triplicate) to FHWA Docket No. 79-3, Notice No. 2, Federal Highway Administration, HCC-10, Room 4205, 400 Seventh Street, SW., Washington, D.C. 20590. All comments received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. ET, Monday through Friday. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Jim Kirschensteiner, Highway Design Division, Office of Engineering (202-426-0314), or Reid Alsop, Office of the Chief Counsel (202-426-0800), Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: Pursuant to Section 141(b) of the Surface Transportation Assistance Act of 1978 (Pub. L. 95-599, 92 Stat. 2689), the FHWA is updating its existing criteria for the design and construction of bikeway projects. The FHWA proposes to amend the existing regulations 23 CFR 625, Design Standards for Highways; 23 CFR 652, Pedestrian Facilities and Bikeways, and 23 CFR 663, Bicycle Grant Program. All references in those regulations to the publication of the American Association of State Highway and Transportation Officials (AASHTO) entitled "Guide for Bicycle Routes" (1974) would be deleted and reference to the proposed document, "Guide for Bicycle Facilities," would be added. In addition, the definitions currently contained in Part 652 would be amended to reflect the definitions proposed in the FHWA guide. This proposed "Guide for Bicycle Facilities" contains the criteria which would be followed for developing bikeway projects funded under FHWA programs.

It should be noted that the proposed FHWA guide does not set forth standards in the strictest sense of the word, but rather contains guidelines. The FHWA has developed the "Guide for Bicycle Facilities" to provide general program direction. The guide recommends criteria that are valuable in attaining good design, and that should be met when designing and constructing bicycle facilities. In addition, the guide includes information on planning, operating, and maintaining bicycle facilities.

An advance notice of proposed rulemaking (ANPRM) for developing design and construction criteria was published on February 8, 1979 (44 FR 7979). Comments were specifically requested regarding the criteria that should be included in bikeway design and construction standrds, and the FHWA's existing criteria in the AASHTO "Guide for Bicycle Routes."

Fifty-two comments were submitted. These included 14 from State agencies, 12 from local government agencies, seven from bicycle groups, five from consultants, nine from citizens, three from associations, one from a corporation, and one from a Federal agency.

Commenters generally supported the development of criteria for bicycle design and construction projects. Some indicated that the AASHTO guide had served their needs adequately; however, a more current design document was needed. Most commenters included suggestions about what criteria should be included in a new publication. The document "Planning and Design Criteria for Bikeways in California" (State of California, Department of Transportation, 1978) was mentioned frequently as an up-to-date source of information on bicycle facilities. Comments were received concerning the need to include details about bicycle transportation planning, bicyle parking facilities, and roadway improvements for bicycles. Several commenters stated that any new document should not contain strict requirements but should give flexibility to State and local agencies.

The criteria now being proposed for adoption are contained in the draft "Guide for Bicycle Facilities", which is included in this NPRM. The FHWA has developed this guide by using comments received in response to the ANPRM and by referring to the AASHTO "Guide for Bicycle Routes" (1974) and other available information such as the "Manual on Uniform Traffic Control Devices" (FHWA, 1978), "A Bikeway Criteria Digest" (FHWA, 1977), and "Planning and Design Criteria for Bikeways in California," (State of California, Department of Transportation, 1978).*

The provisions of title 23 of the United States Code provide for a federally assisted State program. In furtherance of the objectives of this program and in accordance with the general purposes of title VI of the Intergovernmental Cooperation Act of 1968 (Pub. L. 90-577, 82 Stat. 1098), the development of the bikeway criteria will be carried out in full cooperation with the States. Copies of the proposed guide are being provided directly to the States. In addition, copies of the proposed guide are being provided to the 52 persons who commented on the ANPRM. The FHWA would prefer to see the guide's criteria apply to all bikeway projects nationwide rather than having separate criteria apply based on the type of funding available. Accordingly, following analysis of all comments received as a result of this NPRM and appropriate revision of the proposed guide, the FHWA anticipates requesting AASHTO officials to adopt the guide and promote the use of its criteria on State and locally funded bicycle projects.

Note.—The FHWA has determined that this document does not contain a significant proposal according to the criteria established by the Department of Transportation pursuant to Executive Order 12044. The proposed guide would not impose mandatory standards on State and local governments, but would provide general program direction and recommended criteria. The anticipated economic impact of this proposal is so minimal as not to require preparation of a full regulatory evaluation.

(Catalog of Federal Domestic Assistance Program No. 20.205, Highway Research, Planning, and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

*Copies of these documents are available for inspection at the FHWA Washington Headquarters and at all FHWA division and regional offices as prescribed in 49 CFR Part 7, Appendix D.

Issued on: July 25, 1980.

John S. Hassell, Jr.,

Federal Highway Administrator.

In consideration of the foregoing, the FHWA proposes to amend the following sections of title 23, Code of Federal Regulations:

§ 625.3 [Amended]

1. Amend § 625.3(e) by adding a new paragraph (3) to read as follows:

(3) "Guide for Bicycle Facilities," FHWA, 1980.[3]

(23 U.S.C. 109, 315, and 402; 49 CFR 1.48(b)

2. Amend Part 652 by changing the definitions in § 652.3(a) through (e) to read as follows:

§ 652.3 Definitions.

(a) Bicycle. A vehicle having two tandem wheels, propelled solely by human power, upon which any person may ride.

(b) Bikeway. Any road, path, or way which in some manner is specially designed as being open to bicycle travel, regardless of whether such facilities are designated for the exculsive use of bicycles or are to be shared with other transportation modes.

(c) Bicycle path. A bikeway physically separated from motorized vehicluar traffic by an open space or barrier and either within the highway right-of-way or within an independent right-of-way.

(d) Bicycle lane. A portion of a roadway which has been designated for the preferential or exclusive use by bicycles.

(e) Bicycle route. A roadway designated for bicycles by signing only.

* * * * *

3. Amend Part 652 by adding a new heading to the table of sections to read "§ 652.11 Design criteria." and by adding the corresponding section within the Part to read as follows:

§ 652.11 Design criteria.

Current FHWA design and construction criteria for bikeways (23 CFR 625) or equivalent criteria approved by the FHWA Division Administrator shall apply.

(23 U.S.C. 217, 315 and 402(b)(1)(F); 109, 152, and 49 CFR 1.48)

4. Amend Part 663 by revising § 663.7 to read as follows:

§ 663.7 Construction criteria.

Current FHWA design and construction criteria for bikeways (23 CFR part 625) or equivalent criteria approved by the FHWA Division Administrator shall apply.

(Sec. 141, Pub. L. 95-599, 92 Stat. 2711; 23 U.S.C. 315; 49 CFR 1.48(c)(1))

Note.—The following text of the draft document "Guide for Bicycle Facilities," FHWA, 1980, is proposed to be incorporated by reference and will not appear in the CFR.

Guide for Bicycle Facilities

Contents

Introduction
- Purpose
- Scope
- Definitions

Chapter 1—Planning
- Inventory of Existing Conditions
- Analysis of Improvements
- Selection of a Facility

Chapter 2—Design
- Roadway Improvements
  - Drainage Grates
  - Railroad Crossings
  - Pavements
  - Signals
  - Shoulders
  - Wide Curb Lanes
  - Bicycle Routes
  - Bicycle Lanes
- Bicycle Paths
  - Width and Clearance
  - Design Speed
  - Horizontal Alignment and Superelevation
  - Grade
  - Sight Distance
  - Intersections
  - Signing and Marking
  - Pavement Structure
  - Structures
  - Drainage
  - Lighting
  - Barriers
  - Multi-use
- Supplemental Facilities

Chapter 3—Operation and Maintenance

Appendix—Review of Legal Status

Introduction

Throughout the United States the bicycle is regarded as a viable mode of transportation. Since the early 1970's, bicycling for commuting, for recreation, and for other travel purposes has increased in popularity. Nationwide, people recognize the energy efficiency, the economy, the health benefits, and the many other advantages of bicycling.

Local, State, and Federal agencies are responding to the increased use of bicycles by implementing a wide variety of bicycle-related projects and programs. The emphasis now being placed on bicycle transportation requires an understanding of bicycles, bicycle riders, and bicycle facilities. The bicycle, if adequately planned for and utilized, can fill a role in the overall transportation system.

Purpose

Safe and adequate facilities are essential to encourage bicycle riding. The purpose of this guide is to provide information on the development of facilities to enhance safe bicycle travel. Bicyclists ride almost everywhere—on highways, sidewalks, and bikeways.

This guide provides information to help accommodate bicycle traffic in all riding environments.

Chapter 1 provides an overview of planning considerations for bicycles, a discussion of the types of facility improvements, and a description of the factors to consider when locating a facility. Chapter 2 provides guidelines to follow when designing and constructing bicycle facilities. Chapter 3 provides recommendations on the operation and maintenance of facilities for bicycles. The appendix provides a review of the legal status of bicycles.

Scope

This guide provides part of the information necessary to provide for a safe bicycling environment. Facilities are only one of the several elements essential to a community's overall bicycle program. Bicycle safety education and training, bicycle use encouragement, and bicycle rules-of-the-road and their proper enforcement should combine with facilities to form a comprehensive community approach to bicycle use. This guide provides information on facilities. Information on other elements of an overall bicycle program can be found in other publications.

The provisions for bicycle travel are consistent with and similar to standard highway engineering practices. Signs, signals, and markings for bicycle facilties which are presented in the *Manual on Uniform Traffic Control Devices* (MUTCD) should be used in conjunction with this guide. State specifications for the construction of roads and bridges are applicable to bicycle facilties and should be consulted when constructing projects.

Definitions

Bicycle—A vehicle having two tandem wheels, propelled solely by human power, upon which any person may ride.

Bikeway—Any road, path, or way which in some manner is specifically designated as being open to bicycle travel, regardless of whether such facilties are designated for the exclusive use of bicycles or are to be shared with other transportation modes.

Bicycle (bike) path—A bikeway physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent right-of-way.

Bicycle (bike) lane—A portion of a roadway which has been designated for

the preferential or exclusive use by bicycles.

Bicycle (bike) route—A roadway designated for bicycles by signing only.

Roadway—The portion of the highway, including shoulders, for motor vehicle use.

Chapter 1—Planning

Bicycle planning is commonly thought of as the effort undertaken to develop a bikeway system—bicycle paths, lanes, and routes—all interconnected and spaced closely enough to satisfy the travel needs of bicyclists. In fact, such systems would be prohibitively expensive. Scaled-down systems, as currently implemented, do not provide for the vast majority of bicycle travel. Existing roads, together with bikeways, must serve as the system to provide for the travel needs of bicyclists. Thus, bicycle transportation planning is more than planning for bikeways and is an effort that should consider many alternatives to providing for safe and efficient bicycle travel.

Planning for bicycles must be conducted in conjunction with planning for other transportation modes. Often an improvement which enhances bicycle travel will also benefit other modes of travel. Conversely, highway improvements through appropriate planning and design can enhance bicycle travel. Plans for implementing bicycle projects must be in harmony with a community's overall goal for transportation improvements.

The differences among bicyclists' ages, abilities, and purposes for riding must be understood before planning for bicycle transportation improvements. In general, bicycle trip purposes can be divided into two types, utilitarian and recreational. For a bicyclist on a utilitarian trip, the primary objective is reaching a specific destination quickly with few interruptions. The bicycle is merely a cheap and efficient means of transportation. On the other hand, a bicyclist on a recreational trip is riding for pleasure.

Planners must also realize that bicyclists differ widely in their abilities and in their preference of riding environments. Skillful and confident bicyclists often prefer the directness and speed of riding arterial streets and have the ability to ride safely and efficiently in heavy traffic. Other bicyclists are not so confident and are willing to go out of their way to ride on residential streets or bikeways. It is essential that the characteristics of the different types of bicyclists are understood. Improvements and facilities must be planned to accommodate the type of bicyclist expected to utilize the facility.

Inventory of Existing Conditions

The planning for bicycles begins with observing and gathering data on the existing conditions for bicycle travel. Problems, deficiencies, hazards, and the needs of bicyclists must be identified. The existing bicycling environment should be observed. Bikeways, roadways where bicyclists ride, and roadways where bicyclists do not ride should be examined for their suitability for bicycling. Hazards on existing highways, such as unsafe grates, debris, shoulder rumble strips, narrow lanes, driveways, rough pavements, high speed or high traffic volume, high truck volume, and traffic signals nonresponsive to bicycles should be considered for their effect on bicycling. The existing bicycle parking situation should be examined for its adequacy.

Areas near bicycle traffic generators, such as major employment centers, schools, parks, and shopping centers, should be reviewed to identify existing or potential bicycle travel. Convenient access for bicyclists to mass transit stations and other intermodal transfer points should be checked. Barriers, such as rivers and freeways, should be examined for their effects on bicycling.

Bicycle accident locations should be investigated to identify any physical hazard which may have contributed to the accident. Data on the amount of recreational versus utilitarian riding, and on the ages and experience of bicyclists, should be collected.

Public participation is essential during the inventory of existing conditions. Obsevations and surveys of active bicyclists and the views of the nonbicycling public should be solicited. the attitudes and needs of the skilled and experienced bicyclist greatly differ from those of the casual or potential bicyclist. Thus, a wide variety of views should be sought. A citizen bicycle advisory committee can be a good source of information.

Besides the inventory of physical factors affecting bicycle transportation, education and enforcement programs should be examined for their effectiveness.

Analysis of Improvements

Bicycle use goals and objectives should be in harmony with the overall transportation policy of the community or State. The inventory of existing conditions provides an opportunity to modify or refine bicycle use goals and objectives. With established goals and objectives in hand, the existing conditions are analyzed and a plan is developed. Programs and projects for bicycle user encouragement, enforcement, education, and facility improvements are all options that should be considered. The end result is a plan of suggested improvements for bicycle travel.

When developing a plan, a wide range of facility improvements should be considered. Roadway improvements and maintenance, bikeways, and bicycle parking devices should all be considered.

Roadway and roadway maintenance improvements can reduce conflicts between pedestrians, bicyclists, and motorists and can improve conditions unsafe for bicycle riding. In rural areas, shoulder improvements and signing can be helpful for accommodating expected bicycle traffic. In urban and some rural areas, improvements to drainage grates, railroad grade crossings, pavement surfaces, traffic signals, signing, and marking can be beneficial on roadways where bicycles are anticipated.

Bicycle routes can provide continuity to other bicycle facilities or designate a preferred route.

Bicycle lanes can improve conditions in corridors where there is significant bicycle demand. Delineating the rights-of-way by signs and pavement markings can provide for more predictable movements by motorists and bicyclists.

Bicycle paths can provide enjoyable recreational opportunities and, in some instances, desirable commuter routes. Bicycle paths can create opportunities not provided by the road system.

Sidewalks are generally not acceptable for bicycling; however, in a few limited situations, such as on long and narrow bridges and in residential areas where young inexperienced children are the primary riders, sidewalk improvements can be beneficial.

Bicycle parking devices are essential to encourage utilitarian bicycling. Bike parking should offer protection from theft, weather, and damage. Such devices should be located at mass transit stations to encourage intermodal travel.

Selection of a Facility

When a facility improvement is desired, its basic purpose (e.g., utilitarian use versus recreational use) and the following factors should be considered to determine its type, location, and priority:

1. Barriers—In some areas, there are physical barriers to bicycle travel, caused by topographical features, freeways, or other impediments. In such cases, providing a facility to overcome a barrier can create new opportunities for bicycling.

2. Accidents—The occurrence of bicycle accidents (i.e. bicycle/motor vehicle, bicycle/bicycle, bicycle/pedestrian and single bicycle accidents) along routes is important. The potential for alleviating accident problems through the improvement of a facility should be assessed, as should the potential for introducing new accident problems.

3. Directness—for utilitarian bicycle trips, facilities should serve traffic generators and should be located along a direct line convenient for users.

4. Access—In locating a bicycle path, consideration should be given to the provision for frequent and convenient access, especially in residential areas. this is important to both recreational and utilitarian riders. Adequate access for emergency and service vehicles should also be considered.

5. Attractiveness—The scenic value is particularly important along a facility intended to serve a recreational purpose.

6. Security—The potential for criminal acts against bicyclists, especially along remote bicycle paths, and the possibility of theft or vandalism at parking locations should be considered.

7. Delays—Bicycle travel is inherently slower than motor vehicle travel. If bicyclists are required to make frequent stops, they will generally avoid the route.

8. Use conflicts—different types of facilities introduce different types of conflicts. Facilities on the roadway can involve conflicts between bicyclists and motor vehicles. Bicycle paths can involve conflicts between bicyclists and pedestrians on the facility and between bicyclists and motor vehicles at highway and driveway intersections.

9. Maintenance—Ease of Maintenance is important when locating facilities. If a facility is not adequately maintained, it may prove a poor investment.

10. Pavement surface quality—A facility located on the roadway must have a smooth pavement. Utility covers and drainage grates should be at grade. Approaches to railroad crossings should be improved as necessary to provide for safe bicycle crossings.

11. Truck and bus traffic—Because of their aerodynamic effect and width, high-speed trucks, buses, motorhomes, and trailers can cause special problems for bicyclists.

12. On-street parking—the turnover and density of on-street parking can effect the safety of bicyclists (e.g., opening car doors, and cars leaving angle parking spaces).

13. Traffic volumes and speeds—for facilities on the roadway, traffic volumes and speeds must be considered along with the roadway width. Commuting bicyclists frequently use arterial streets because they minimize delay and offer continuity for trips of several miles. It can be more desirable to improve heavily traveled high-speed streets than adjacent streets, if adequate width for all vehicles is available on the more heavily traveled street. When this is not possible, a nearby parallel street may be improved for bicyclists, if stops are minimal and the route conditions are adequate. In general, inexperienced bicyclists will not ride on heavily traveled high speed arterials but will prefer quieter streets.

14. Cost/Funding—Location selection will normally involve a cost analysis of alternatives. Funding availability can limit the alternatives; however, it is important that a lack of funds not result in a poorly designed or constructed facility. If only a small amount of funds is available, emphasis should usually be given to low-cost improvements (e.g., bicycle parking, removal of barriers to bicycle travel, roadway improvements, and nonconstruction projects).

Chapter 2—Design

There is a wide range of facility improvements which can enhance bicycle transportation. Improvements can be simple and involve minimal design consideration (e.g., changing drainage grate inlets) or they can involve a detailed design (e.g., providing a bicycle path). The controlling feature of the design of every bicycle facility is its location. Roadway improvements such as bicycle lanes depend on the roadway's design. On the other hand, bicycle paths are located on an independent alignment; consequently, their design depends on many factors, including the performance capabilities of the bicyclist and the bicycle. Guidelines are presented to help design and construct both roadway improvements and separate paths for bicycles.

Roadway Improvements

Bicycles are and will be ridden on many highways. Because most highways have not been designed with bicycle travel in mind, there are many ways in which a roadway could or should be improved when bicycle traffic is expected. Some roadway conditions—safe drainage grates and railroad crossings, smooth pavements, and signals responsive to bicycles—should be provided. In addition, facilities such as bicycle lanes, bicycle routes, shoulder improvements, and wide curb lanes should be considered. Information on each of the different roadway improvements is included.

Drainage Grates—Drainage inlet grates and utility covers are potential problems to bicyclists. When a roadway is being resurfaced, it is important that grates and utility covers be flush with the surface. Most parallel drainage inlet grates allow narrow bicycle tires to drop into the grates, which is extremely hazardous for bicyclists. These and other hazardous grates should be replaced with bicycle-safe and hydraulically efficient ones. When this is not immediately possible, consideration should be given to welding 1-inch x ¼-inch (25mm x 6mm) steel cross straps 4 inches (102mm) apart on centers, or to identifying the grate with a pavement marking as indicated in the MUTCD. Drainage grates on planned highways where bicycles are expected should always be bicycle safe.

Railroad Crossings—Railroad-highway crossings can be a hazard to bicyclists. Crossings should ideally be at a right angle to the rails. Consideration should be given to the materials of the crossing surface and to the flangeway depth and width. When a crossing clearly poses a hazard to bicyclists and cannot be improved, warning signs should be installed in accordance with the MUTCD.

Pavements—Pavement surfaces should be smooth and free of potholes. The edge of the pavement should be uniform. Narrow slots in the surface that could catch a bicycle wheel, such as a gap between two concrete slabs, should not be more than ½-inch (13mm) wide. Ridges in the pavement that could cause bicyclists to lose control, such as the joint between the pavement and a concrete gutter or utility cover, should not be more than ⅜-inch (10mm) high when parallel to travel or ¾-inch (19mm) high when perpendicular to travel.

Signals—At intersections where significant bicycle travel exists or is anticipated, bicyclists should be considered in the timing of the traffic signal cycle, as well as the traffic detection device. Normally, a bicyclist can cross an intersection under the same signal phasing arrangement as motor vehicles; however, on multi-lane streets special consideration should be given to ensure that short clearance intervals are not used. If necessary, an all-red clearance interval may be used. To check the clearance interval, a bicyclist's speed of 10 m.p.h. (16km/h) and a perception/reaction/braking time of 1.8 seconds should be used. Detectors for traffic-actuated signals should be sensitive to bicycles and should be located in the bicyclist's expected path.

Shoulders—If it is anticipated that bicyclists will ride on shoulders, a smooth surface should be provided. Pavement edge lines should be used instead of surface texture to delineate the shoulder from the travel lanes. Rumble sections should not be used on a shoulder if bicycle traffic is expected. Shoulder width should be a minimum of 4 feet (1.2m) to accommodate bicycle travel. If motor vehicle speed exceeds 35 m.p.h. (56km/h), if bicycle lanes are delineated, or if the percentage of trucks, buses, and recreational vehicles is high, then additional width is desirable. Improving the shoulders can often be the best way to accommodate bicyclists in rural areas.

Wide Curb Lanes—In urban areas, a right lane wider than 12 feet (3.7m) can be beneficial to bicyclists as well as motorists. Bicycles and motor vehicles can be better accommodated in the same lane. In many cases where there is a wise curb lane, motorists will not need to change lanes to pass a bicyclist. Also, more maneuvering room is provided when drivers are exiting from driveways or areas of limited sight distance. In general, a lane width of 14 feet (4.3m) from curb face to lane stripe is desired. Widths greater than 14 feet (4.3m) can encourage the undesirable operation of two motor vehicles in one lane, especially in urban areas.

Bicycle Routes—It may be advantageous to sign some urban and rural roadways as bicycle routes. When providing continuity to other bicycle facilities, a bicycle route can be relatively short. However, a bicycle touring route can be quite long. For long bicycle routes, a standard bicycle route marker with a numerical designation can be used in place of a bicycle route sign. It is often desirable to to use supplemental plaques with bicycle route signs or markers to furnish additional information, such as direction changes in the route and intermediate range distance and destination information.

Overall, the decision whether to provide a bicycle route should be based on the advisability of encouraging bicycle use on a particular road, instead of on parallel and adjacent highways. The roadway width, along with traffic factors (e.g., the volume and type of traffic, parking conditions, and sight distance), should be considered when determining the feasibility of a bicycle route. Roadway improvements, such as safe drainage grates, railroad crossings, smooth pavements, and signals responsive to bicycles, should always be considered before a roadway is identified as a bicycle route.

Further guidance on signing bicycle routes is provided in the MUTCD.

Bicycle Lanes—Bicycle lanes can be considered when it is desirable to delineate the rights-of-way assigned to bicyclists and motorists and to provide for more predictable movements by each. Bicycle lane markings can increase a bicyclist's confidence that motorists will not stray into his/her path of travel. Likewise, a passing motorist is less likely to swerve out of his/her lane to avoid hitting a bicyclist since the two have separate lanes.

Raised pavement markings and raised barriers present a hazard to bicyclists and should not be used to delineate bicycle lanes.

Bicycle lanes should always be one-way facilities and flow in the same direction as adjacent motor vehicle traffic. Two-way bicycle lanes on one side of the roadway are undesirable because they promote riding against the flow of traffic. Wrong-way riding is a major cause of bicycle accidents and is against the rules-of-the-road, as stated in the Uniform Vehicle Code. Bicycle lanes on one-way streets should be on the right side of the street, except in areas where a bicycle lane on the left will decrease the number of conflicts, such as those caused by heavy bus traffic.

To examine the width requirements for bicycle lanes, it is important to look at the three usual locations for such a facility in relation to the roadway. Figure 1(a) depicts bicycle lanes on an urban curbed street where parking is permitted. Bicycle lanes should always be placed between the parking area and the travel way. Bike lanes between the curb and the parking area create hazards for bicyclists from opening car doors and poor visibility at intersections; therefore, this placement should never be considered. A minimum bicycle lane width for this location is 5 feet (1.5m). If parking volume is substantial or turnover is high, an additional 1 or 2 feet (0.3 or 0.6m) of width is desirable.

Figure 1(b) depicts bicycle lanes along the outer portions of an urban curbed street where parking is prohibited. Bicycle lanes in this location should have a minimum width of 4 feet (1.2m), but if a gutter pan exists, an additional 1 or 2 feet (0.3 or 0.6m) should be considered. Bicyclists do not generally ride in the gutter because of the possibility of debris, of hitting a pedal on the curb, of an uneven longitudinal joint, or of a steeper cross-slope. Therefore, a minimum width of 3 feet (0.9m) must be provided between the traffic lanes and the joint.

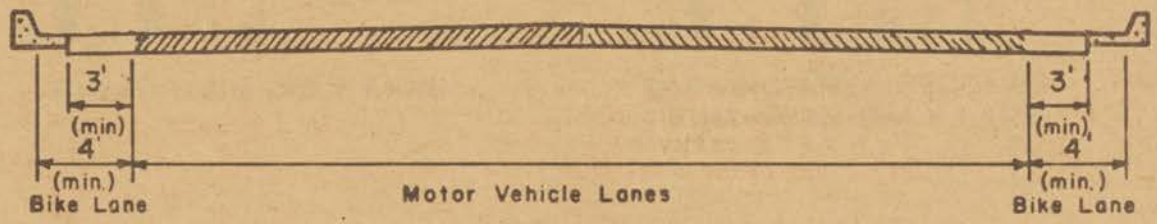
BILLING CODE 4910-22-M

Figure I

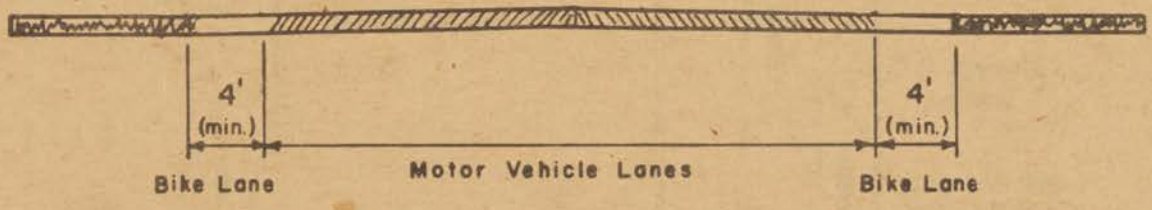
TYPICAL BIKE LANE CROSS SECTIONS



(a) CURBED STREET WITH PARKING



(b) CURBED STREET WITHOUT PARKING



(c) STREET WITHOUT CURB OR GUTTER

(Metric Conversion : 1 ft. = 0.3m)

BILLING CODE 4910-22-C

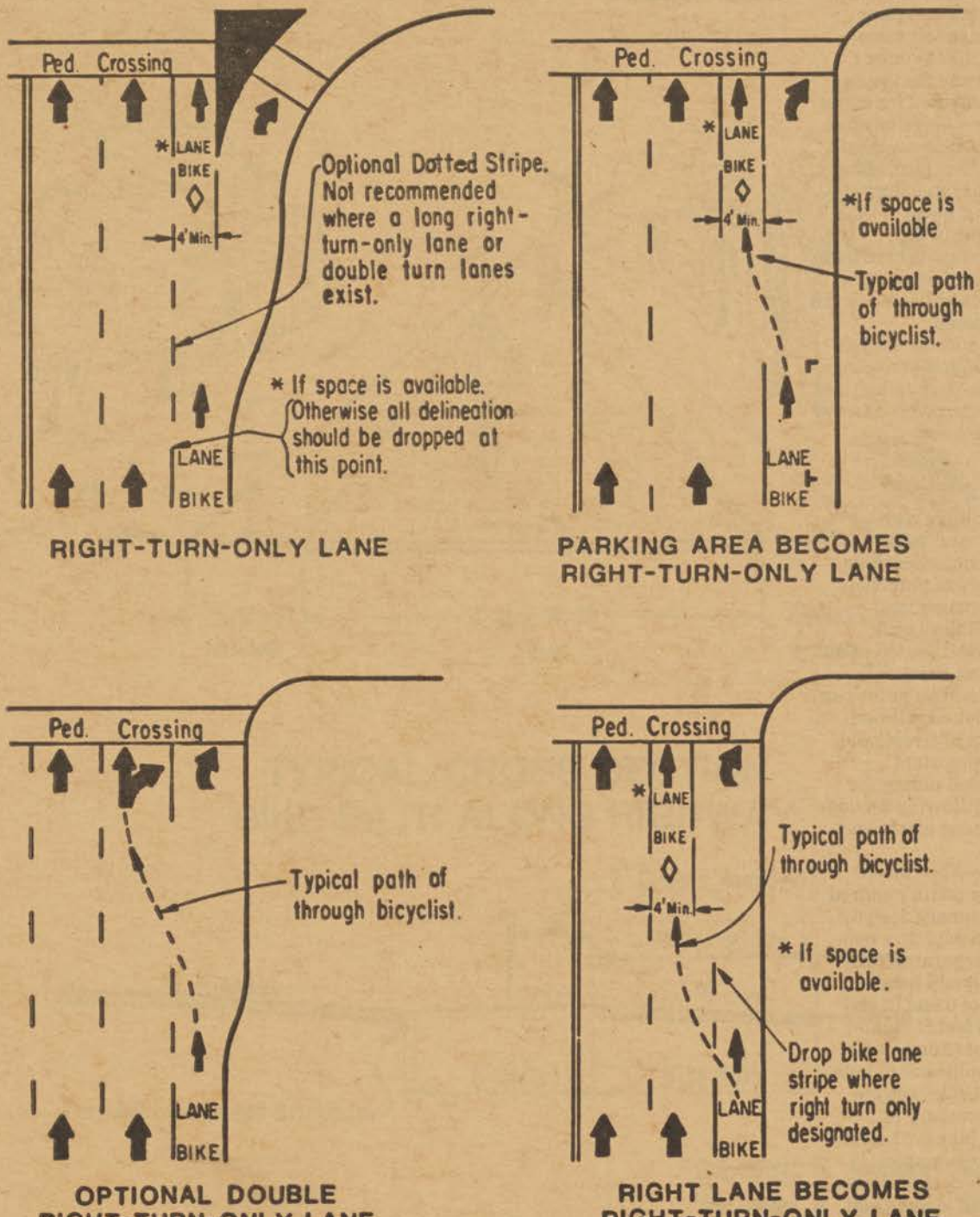
Figure 1(c) depicts bicycle lanes on a highway without curb or gutter. Bicycle lanes located between the motor vehicle lanes and the roadway shoulders should have a minimum width of 4 feet (1.2m). Additional widths are desirable when substantial truck traffic is present or when vehicle speeds exceed 35 m.p.h. (56km/h). When bicycle lanes are delineated on the shoulders, a width of 5 feet (1.5m) or greater is desirable.

The treatment of bicycle lanes at intersections should always be carefully considered. Studies have shown that the majority of bicycle/motor vehicle accidents occur at intersections. Two turning maneuvers in particular create most of the conflicts at intersections: the right-turning motorist conflict with through bicyclist and the through motorist conflict with the left-turning bicyclist.

BILLING CODE 4910-22-M

Figure 2

BIKE LANES APPROACHING MOTORIST RIGHT-TURN-ONLY LANES



(Metric Conversion : 1ft. = 0.3m)

BILLING CODE 4910-22-C

The design of bike lanes should include appropriate signing and marking at intersections to reduce the number of conflicts. General guidance for pavement marking of bicycle lanes is contained in the MUTCD. Figure 2 presents details on pavement markings for bike lanes approaching motorist right-turn-only lanes. When providing markings for left turns at intersections, it is important to consider the various ways that bicyclists make left turns. Some bicyclists merge across one or more lanes of traffic to use the inside lane or left-turn lane provided for motor vehicles. However, some bicyclists feel uncomfortable with this maneuver and will make a two-legged left turn, either by riding a course similar to that followed by pedestrians, or by dismounting and walking in the crosswalks as a pedestrian. Where there are numerous left-turning bicyclists, a separate turning lane, as indicated in the MUTCD, can be considered.

Adequate pavement surface, bicycle-safe grate inlets, safe railroad crossings, and traffic signals responsive to bicycles should always be provided on roadways where bicycle lanes are being designated.

Bicycle Paths

Bicycle paths are facilities with exclusive rights-of-way and with minimal cross flow by motorists. Bike paths can serve a variety of purposes.

They can provide a commuting bicyclist with a shortcut through a residential neighborhood. Located in a park, they can provide an enjoyable recreational opportunity. Bike paths can be located along abandoned railroad rights-of-way, the banks of rivers, and other similar areas. Appropriate locations can be identified during the planning process. The following sections give guidance for designing a safe and usable facility.

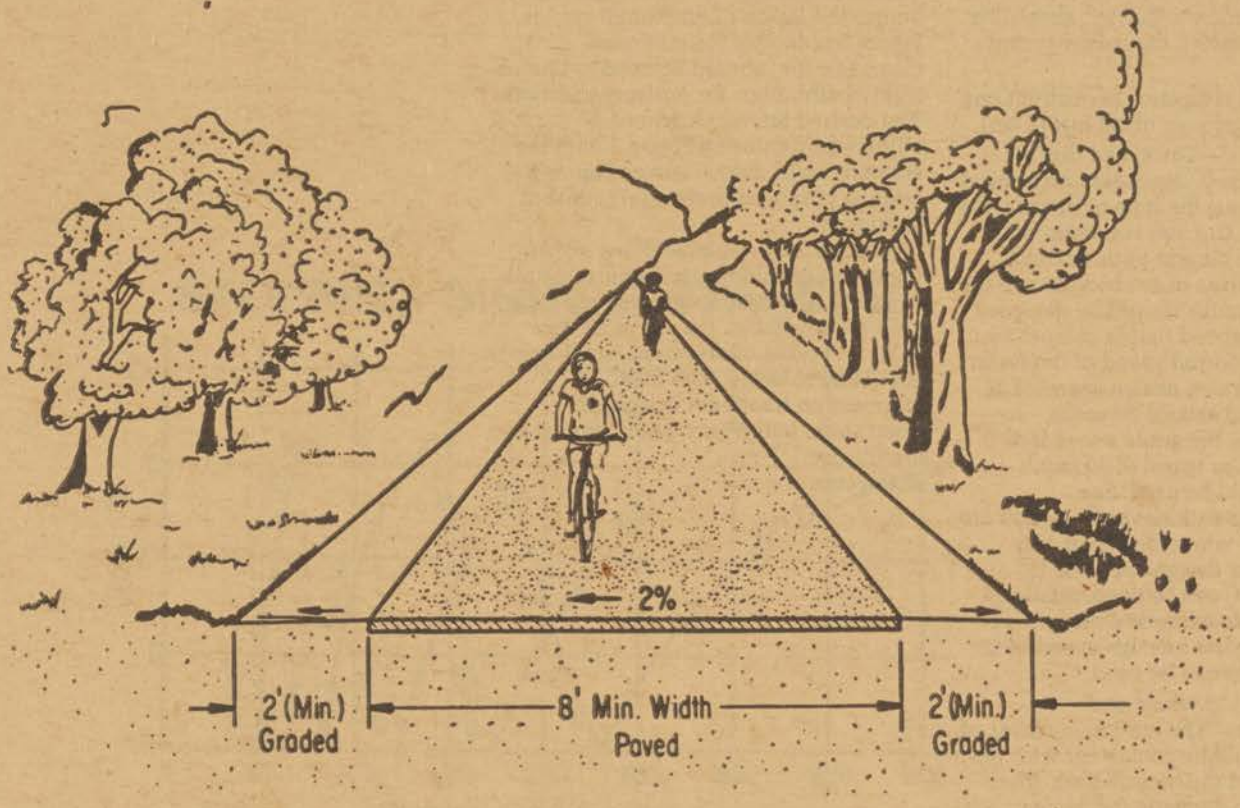
Width and Clearance—The paved width and the operating width required for a bicycle path are primary design considerations. Figure 3 depicts a two-way bicycle path on a separated right-of-way. Bicycle paths should have a minimum paved width of 8 feet (2.4m) for two-way traffic or 5 feet (1.5m) for one-way traffic. A 2-foot (0.6m) width graded area should be adjacent to both sides of the pavement. Under certain conditions it may be necessary to increase the width of a bike path to 10 or 12 feet (3 to 3.7m); for example, because of substantial bicycle volume, probably shared use with joggers and other pedestrians, use by large maintenance vehicles, excessive grades and recreational use where bicyclists will be likely to ride two abreat.

When the width of a bicycle path exceeds 8 feet (2.4m), the 2-foot (0.6m) graded areas may be reduced accordingly; however, a minimum of 3 feet (0.9m) in addition to the normal width is desirable for all paths to provide clearance from trees, poles, walls, fences, guardrails, or other lateral obstructions.

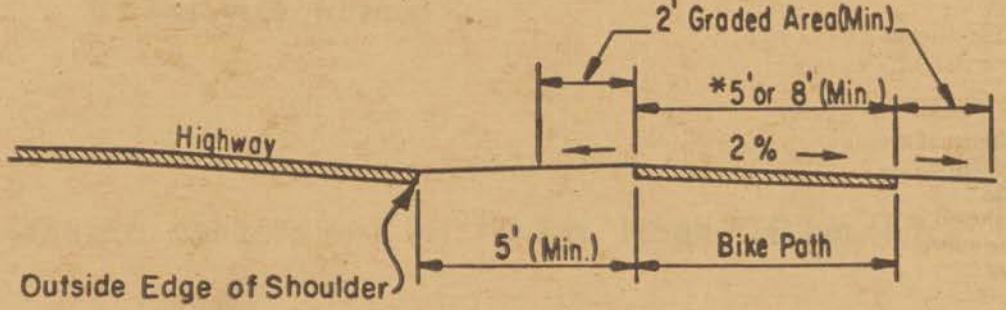
BILLING CODE 4910-22-M

Figure 3

TWO-WAY BIKE PATH ON SEPARATED RIGHT-OF-WAY



TYPICAL CROSS SECTION BIKE PATH ALONG HIGHWAY



*One-Way: 5' Minimum Width
Two-Way: 8' Minimum Width
Metric Conversion: 1 ft. = 0.3m

BILLING CODE 4910-22-C

A wide separation between bicycle paths and adjacent roadways is desirable. When this is not possible and the clearance is less than 5 feet (1.5m), a physical divider is acceptable (e.g., a chain link fence, dense shrubs, or other high barriers that would prevent bicyclists from toppling over). Where motor vehicles can encroach onto the bike path, a positive barrier, such as a guardrail or concrete barrier, should be considered between the roadway and the bike path.

The vertical clearance to obstructions should be a minimum of 8.5 feet (2.6m).

Design Speed—The speed that a bicyclist travels is dependent on several factors, including the type of bicycle, the purpose of the trip, the condition and location of the bicycle path, and the physical condition of the bicycle and the rider. Bicycle paths should be designed for a selected speed that is at least as high as the preferred speed of the faster riders. In general, a design speed of 20 m.p.h. (32km/h) should be used; however, when the grade exceeds 4 percent, a design speed of 30 m.p.h. (48km/h) should be used. For exclusively recreational paths which are not paved and where bicyclists ride slower, a lower design speed of 15 m.p.h. (24km/h) can be used. Similarly, where the grade exceeds 4 percent on such paths, a higher design speed of 25 m.p.h. (40km/h) can be used.

Horizontal Alignment and Superelevation—The minimum radius of curvature should be consistent with the design speed of the bicycle path. The following table presents the design radius for various design speeds:

Design Radii

Design speed, mph (1 mph = 1.6km/h)	Design radius, feet (1 ft = 0.3m)
15	35
20	70
25	90
30	125

A cross slope should be a minimum of 2 percent to provide for drainage. On curves the percentage should be increased to 5 percent and be sloped in the direction of the inside of the curve, thus providing the semblance of superelevation.

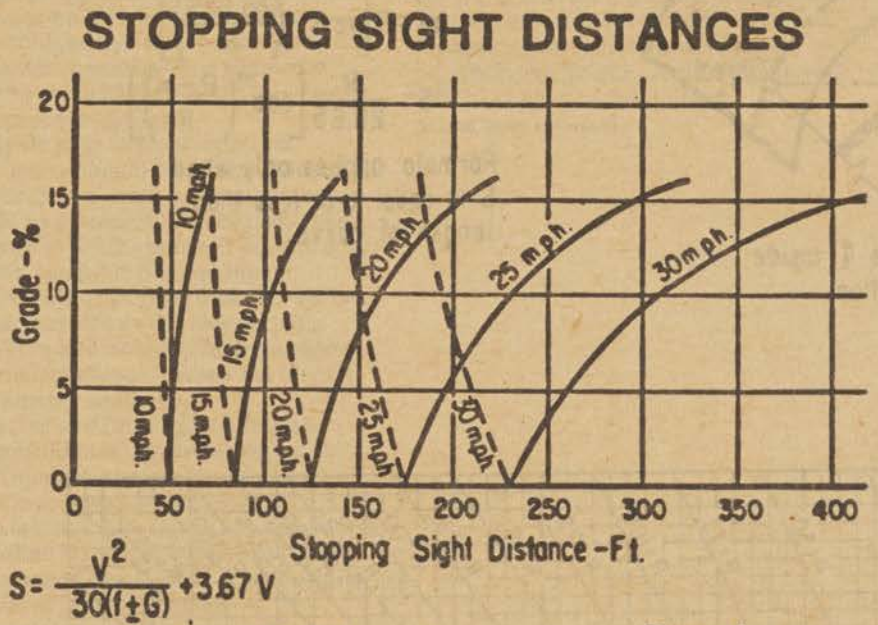
Grade—Wherever possible, grades on bicycle paths should be kept to a minimum, especially on long inclines. A grade greater than 5 percent is undesirable; however, short grades greater than 5 percent are acceptable when a higher design speed or additional width is provided.

Sight Distance—To provide bicyclists with an opportunity to see and react to the unexpected, a bicycle path should be designed with adequate sight distances. Figure 4 indicates the minimum stopping sight distance for various design speeds and grades. For two-way bike paths, the sight distance in the descending direction will control the design. Sight distances should also be considered across the inside of horizontal curves. Figure 5 indicates the minimum clearance that should be used to line-of-sight obstructions for horizontal curves. The desired lateral clearance is obtained by entering Figure 5 with the stopping sight distance from Figure 4 and the proposed horizontal radius of curvature.

Intersections—Intersections are an important consideration in bicycle path design. If alternate locations for a bike path are available, the one with the most favorable intersection conditions should be selected. The ideal intersection treatment is a grade separation, but in may cases its cost is prohibitive.

BILLING CODE 4910-22-M

Figure 4



$$S = \frac{V^2}{30(f \pm G)} + 3.67V$$

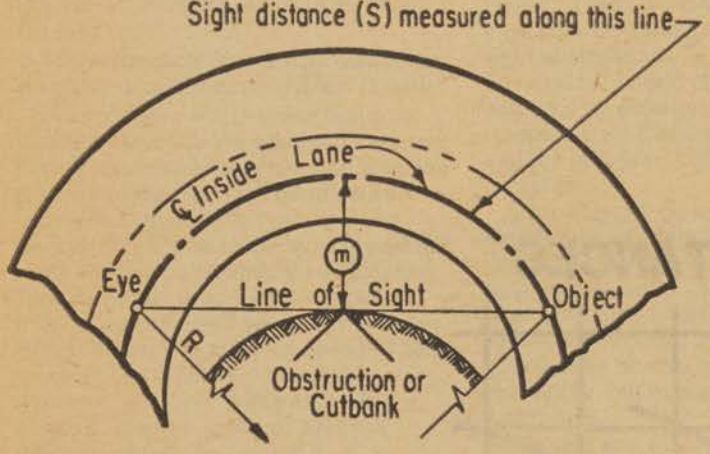
where: S = stopping sight distance, ft.
V = velocity, mph.
f = coefficient of friction (use 0.25)
G = grade ft./ft. (rise/run)

Descend ———
Ascend - - - - - -

(Metric conversion: 1 ft. = 0.3m, 1 mph = 1.6 km/h)

Figure 5

LATERAL CLEARANCES ON HORIZONTAL CURVES



Line of sight is 2.0' above ℄ inside lane at point of obstruction.

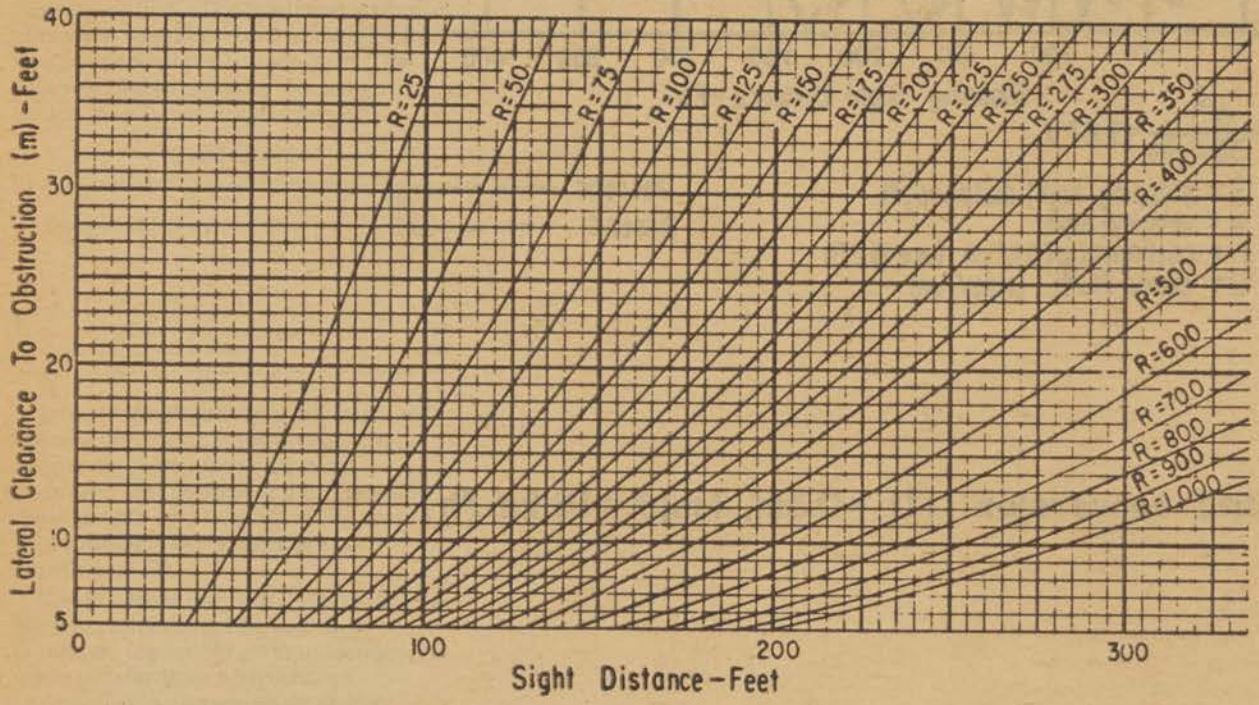
S = Sight distance in feet.
R = Radius of ℄ inside lane in feet.
m = Distance from ℄ inside lane in feet.
V = Design speed for S in mph.

Angle is expressed in degrees

$$m = R\left[\text{vers}\left(\frac{28.65S}{R}\right)\right]$$

$$S = \frac{R}{28.65}\left[\cos^{-1}\left(\frac{R-m}{R}\right)\right]$$

Formula applies only when S is equal to or less than length of curve.



(Metric conversion: 1 ft. = 0.3m.)

BILLING CODE 4910-22-C

When intersections occur at grade, a major consideration is the establishment of right-of-way. At crossings with infrequent automobile traffic, such as residential driveways, bicycles should be given priority. Adequate sight distance and proper signing should be provided. Care should be given to ensure that bicycle path signs are located so that motorists are not confused by them.

The crossing of a highway should occur either at the pedestrian crossing or at a location away from any highway intersection so as to remove the hazard of turning vehicles. When crossing at mid-block locations, rights-of-way should be assigned by signs, marking and/or signals. Warrants and other requirements for signalization are contained in the MUTCD. At mid-block crossings on high-volume multilane arterial highways where signals are not warranted, consideration should be given to providing a median refuge area for crossing bicyclists.

Bicycle path intersections and approaches should be on flat grades. The maximum grade of the approaches should be 5 percent. Consideration can be given to a flat approach preceded by a short, steep, vertical section.

Curb-cuts at intersections should be the same width as the bicycle path. Curb-cuts and ramps should provide a smooth transition between the bicycle path and the roadway.

Signing and Marking—Adequate signing and marking are essential on bicycle paths, especially at railroad grade crossings and highway intersections. A designer can consider a centerline stripe to separate opposite directions of travel. This is particularly beneficial in the following circumstances: (1) for heavy volumes of bicycles, (2) on curves with restricted sight distance, and (3) on unlighted paths where nighttime riding is expected. General guidance for signing and marking of bike paths is provided in the MUTCD.

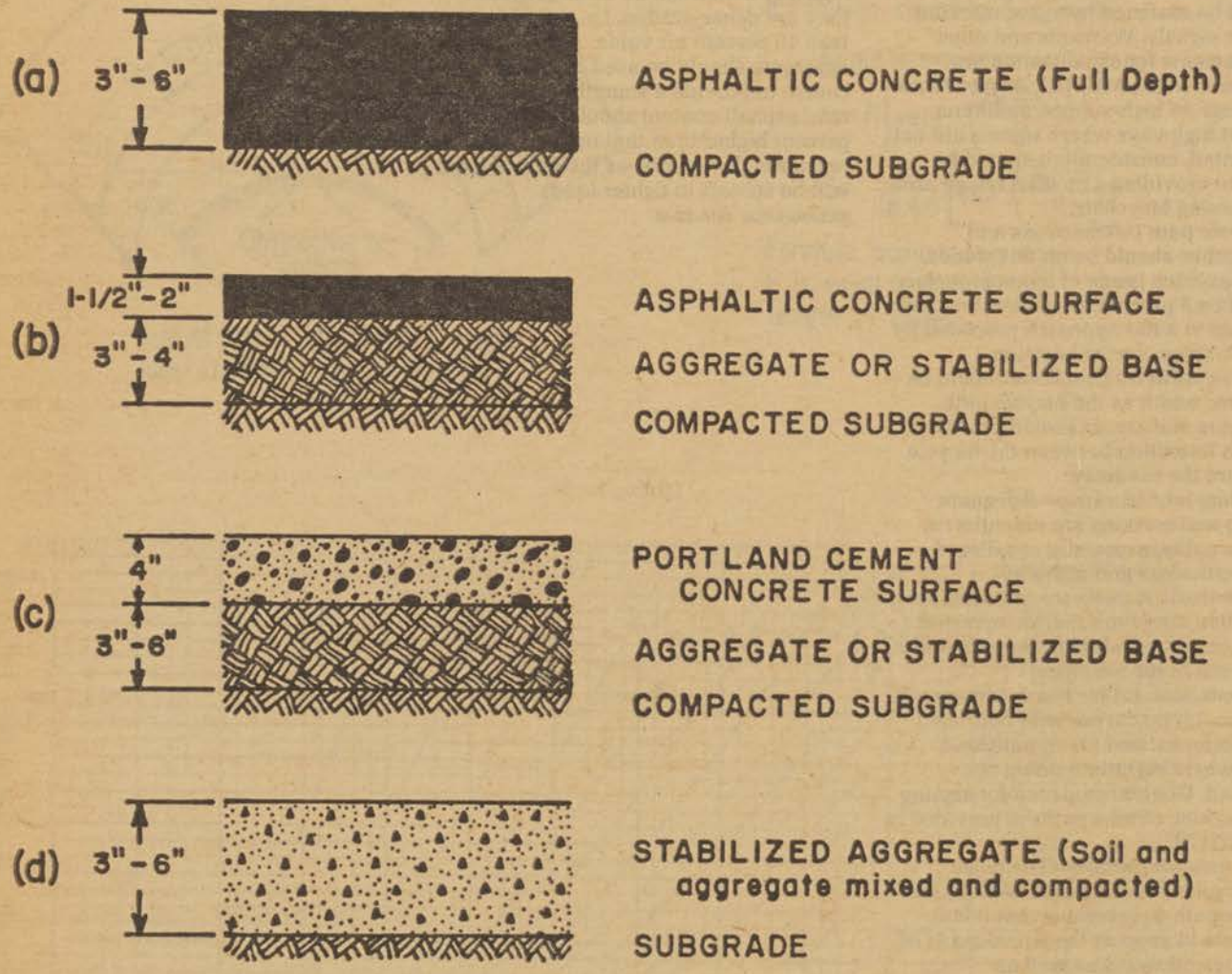
Pavement Structure—The basic criterion for the structural section of a bicycle path pavement is that it is adequate to support the wheel loads of bicycles and riders as well as maintenance vehicles or other types of motor vehicles which may use or cross the facility. Accordingly, the type of material an depth of the base course is of primary importance. Suitable materials for base courses include aggregates (e.g., gravel, crushed stone, slag), stabilized earth, soil cement, asphalt concrete, and Portland cement concrete. The path should be surfaced with a material which is stable and traversable even in wet weather. Surfaces should consist of a machine-laid asphaltic material or Portland cement concrete; however, under certain circumstances, a dense-graded surface of crushed aggregate, sand, clay, or stabilized earth may be acceptable.

Several combinations of the above materials are possible in designing the full structural section. One design that has been found satisfactory makes use of a full-depth, hot-mix asphalt pavement laid directly on the subgrade (Figure 6(a)). The total thickness may vary from 3 to 6 inches (80 to 150mm), depending on the quality of the subgrade. With this design, regular highway mixes can be used, provided they are dense-graded, i.e., not more than 10 percent air voids. A fine-graded aggregate should be used in the surface course to provide a smooth texture. As a rule, asphalt content should be one-half percent higher than that used on a regular highway mix, as the bicycle path will be subject to lighter loads.

BILLING CODE 4910-22-M

Figure 6

TYPICAL PAVEMENT STRUCTURAL SECTIONS FOR BIKE PATHS



(Metric conversion: 1 in. = 25 mm.)

BILLING CODE 4910-22-C

Another desirable structural section consists of a 3-inch (80mm) to 4-inch (100mm) aggregate base of either gravel, crushed stone or slag with a 1½-inch (40mm) to a 2-inch (50mm) asphalt surface course (Figure 6(b)). This pavement structure is usually preferable to the full-depth, hot-mix method, because it is more economical than the full-depth course when the bicycle path is placed on poor quality subgrade.

Portland cement concrete may be used for bicycle paths. A structural section of the type normally used for pedestrian walks is adequate for bicycle traffic, but a heavier section is necessary where maintenance vehicles use the path. A typical Portland cement concrete structural section is shown in Figure 6(c). Special treatment should be considered to develop a smoother surface than on the usual jointed sidewalk.

For paths intended exclusively for recreational travel, a dense-graded surface of crushed aggregate, sand, clay, or stabilized earth (see Figure 6(d)) may be acceptable and environmentally pleasing. This type of surface is less smooth than the other surfaces mentioned and will result in lowering operating speeds, which is desirable if the path will also be used by hikers and joggers. In areas where all-weather operation is expected, this type of surface can be undesirable. If used, some length of the path prior to any highway intersections should be paved to prevent material from being scattered on the highway.

The preceding discussion is intended as a general guide for the design of pavement structures for bicycle paths. Because of the wide variations in soils, loads, materials, and construction practices, it is not practical to present specific pavement designs that are applicable nationwide. Attention to the local governing conditions is needed, particularly where soils offer poor support and weather conditions are severe. Experience in highway pavement can assist in the choice of a proper bicycle path pavement structure and may identify energy-conserving practices such as the use of sulfur-extended asphalt, fused waste, or fly ash.

Structures—An overpass, underpass, small bridge or facility on a highway bridge may be necessary to provide continuity to a bicycle path. Where practicable the surfaced width of a bicycle path should be carried across or through these structures. Railings, fences or barriers should be considered for both sides of the bike path at a minimum height of 4.5 feet (1.4m). When a bicycle path is carried across a highway bridge, the barrier between the path and the roadway may be less if a highway shoulder is provided. Rub rails attached to the barriers at a handlebar height of 3.5 feet (1.1m) and made of smooth wood planking or similar material can be considered.

Drainage—The recommended minimum pavement cross slope of 2 percent adequately provides for drainage. Sloping in one direction instead of crowning is preferred and usually simplifies the drainage and surface construction. Where a bicycle path is constructed on the side of a hill, a ditch of dimensions suitable for the safety of bicyclists and for the volume of water expected should be placed on the uphill side to intercept the hillside drainage. Where necessary, catch basins with drains should be provided to carry the intercepted water under the path. To assist in draining the area adjacent to the bike path, the design should include considerations for preserving the natural ground cover. Seeding, mulching and sodding of adjacent slopes, swales and other erodible areas should be included in the design plans.

Lighting—Fixed-source lighting reduces bicycle/bicycle conflicts along the path and bicycle/motor vehicle conflicts at intersections. In addition, lighting allows the bicyclist to see the bike path direction, surface conditions, and obstacles. Lighting for bike paths is important and should be considered where riding at night is expected, such as bike paths serving college students or commuters, and at highway intersections. Lighting should also be considered through underpasses or tunnels, and when nighttime security could be a problem. Depending on the location, average maintained horizontal illumination levels of 0.5 foot-candle (5 lux) to 2 foot-candles (22 lux) should be considered. Where special security problems exist, higher illumination levels may be considered. Light standards (poles) should meet the recommended horizontal and vertical clearances. Luminaires and standards should be at a scale appropriate for a pedestrian or bicycle path.

Barriers—Bicycle paths often need some form of physical barrier at highway intersections to prevent motor vehicles from using the facility. Provisions can be made for a lockable, removable post to permit entrance by authorized vehicles. This carrier should be permanently reflectorized and designed to give safe access for bicycles. When more than one post is used, a 5-foot (1.5m) spacing is desirable.

Multi-use—In general, multi-use paths are undesirable; bicycles and pedestrians do not mix well. Whenever possible, separate paths should be provided; however, if this is not feasible, additional width, signing or striping should be used to minimize conflicts.

Providing a sidewalk bike path is unsatisfactory for a variety of reasons. Sidewalks are typically designed for pedestrian speeds and are not safe for higher-speed use. Conflicts are common between pedestrians traveling at low speeds (or exiting stores, parked cars, etc.) and bicyclists, as are conflicts with fixed objects (e.g., parking meters, utility poles, sign posts, bus benches, trees, fire hydrants, mail boxes, etc.). At intersections, motorists are often not looking for bicyclists (who are traveling at higher speeds than pedestrians) entering the crosswalk area, particularly when motorists are making a turn. Sight distance is often impaired by buildings, walls, property fences, and shrubs along sidewalks, especially at driveways.

Bicycle riding on sidewalks can be expected in residential areas with young children. With lower bicycle speeds and lower motor vehicle speeds, potential conflicts are somewhat lessened, but still exist. This type of sidewalk bicycle use is generally accepted, but it is inappropriate to sign sidewalks as bike paths.

Using a path for bicycles and horses creates an unsatisfactory and possibly dangerous mix. A horse startles easily and may kick out suddenly if it perceives the bicyclist as a danger. A bicycle path and a bridle path are also incompatible in their surface design requirements. Bicycles function best on hard surfaces; horses function best on soft surfaces. A compromise to accommodate both uses would result in a less than adequate surface for both.

Supplemental Facilities

Providing bicycle parking facilities is an essential element in an overall effort to promote bicycling. People are discouraged from bicycling unless adequate parking is available. Bicycle parking devices should be provided at both the trip origin and the trip destination and should offer protection from theft and damage.

The wide variety of bicycle parking devices fall into two categories of user needs: commuter or long-term parking, and convenience or short-term parking. The minimum needs for each differ in their placement and protection. Long-term parking is needed at locations such as employment centers, transit or subway stations, and multifamily dwellings. Facilities should be provided which secure both wheels and

accessories and which offer protection from the weather. Bike lockers and attending storage areas are good examples of long-term parking facilities. Short-term parking is needed at locations such as shopping centers, libraries, recreation areas, and post offices. Facilities should be very convenient and be near building entrances or other highly visible areas which are self-policing. If bicycle parking is not properly designed and located, bicyclists will use trees, railings, and other appurtenances. This practice can damage the appurtenances and create a hazard for pedestrians.

Several factors should be considered when planning and providing bicycle parking facilities. Care should be given in selecting the location to ensure that bicycles will not be damaged by automobiles. Parking facilities should not interfere with the normal pedestrian flow. Also, facilities should be adequately spaced so that persons parking their bicycles will not disturb other parked bicycles. Facilities should be able to accommodate a wide range of bicycle shapes and sizes. Finally, facilities should be simple to operate. If possible, signs depicting how to operate the facility should be posted.

In addition to bicycle parking facilities, there are several other improvements that complement bike paths and roadway improvements. Provisions can be considered for interfacing bicycle travel with public transit, such as racks on buses, or buses converted to carry bikes aboard. Printing and distributing a bicycle map is a high-benefit, low-cost project that is easily accomplished. Maps could identify bikeways, parking facilities, and roads not marked or signed but suitable for bicycling. Also, a map could point out narrow, high-speed, or high-volume roads, barriers, and other problems to bicyclists.

Chapter 3—Operation and Maintenance

The agency responsible for the control, maintenance, and policing of bicycle facilities should be established prior to construction. The costs involved with the operation and maintenance should be considered when planning a facility. Neglected maintenance will render bicycle facilities unrideable, and the facilities will become a liability to the State or community. Bicyclists should be encouraged to report bike paths and roadways needing maintenance.

Bicycle paths need a regular schedule of policing and maintenance. Enforcement is usually necessary to prevent motor vehicles from using a bike path. The pavement surface of a path should be kept clean by sweeping. Attention should be given to maintaining the full paved width and not allowing the edges to ravel. Trees, shrubs, and other vegetation should be controlled to provide adequate clearances and sight distances. Sufficient trash receptacles should be placed and maintained at convenient locations. Seeded and sodded areas in the vicinity of bicycle paths should have a regular schedule of mowing.

Bicycle routes, bicycle lanes, and other roadways with bicycle traffic are often susceptible to having debris, such as glass or sand, collect in the area where bicyclists ride. A smooth surface, free of potholes and debris, should be provided. The pavement edges should be uniform. Bicycle signs and markings should be inspected regularly and kept in good condition. Highways with bicycle traffic may require more frequent maintenance than other highways.

The routine maintenance of roadways provides an excellent opportunity to improve the bicycle travel on those roads. Several bicycle facilities described in this guide can be implemented during routine maintenance activities. When lane markings for four- or six-lane streets are restriped, consideration can be given to adjusting the lane widths and providing a wide outside curb lane for bicycles. When shoulders are resurfaced, a smooth surface suitable for bicycle riding should be considered.

Appendix

Review of Legal Status

Bicycle programs must reflect local laws and ordinances. Bicycle facilities must not encourage or require bicyclists, pedestrians, or motorists to operate in a manner inconsistent with the adopted rules of the road.

The National Committee on Uniform Traffic Laws and Ordinances, a group of more than 140 individuals involved in the complex problems of highway transportation, has developed and recommended the Uniform Vehicle Code (UVC) as a comprehensive guide or standard for State motor vehicle and traffic laws. In addition, the provisions of the Model Traffic Ordinance (MTO) have been designed as a guide or standard for municipalities to follow in reviewing their traffic ordinances or considering the development or revision of a model traffic ordinance. Since bicycles are defined as vehicles, familiarity with the provisions in the UVC and MTO is important when developing bicycle facilities. The following are some of the UVC provisions relating to bicycle facilities:

11–1202—Traffic Laws Apply To Persons on Bicycles and Other Human-Powered Vehicles

"Every person propelling a vehicle by human power or riding a bicycle shall have all of the rights and all of the duties applicable to the driver of any other vehicle under chapters 10 and 11, except as to special regulations in this article and except as to those provisions which by their nature can have no application."

11–201—Obedience to and Required Traffic Control Devices

"(a) The driver of any vehicle shall obey the instruction of any official traffic control device applicable thereto placed or held in accordance with the provisions of this act, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this act."

1–158—UVC Definition of Roadway

"That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the sidewalk, berm or shoulder even though such sidewalk, berm or shoulder is used by persons riding bicycles or other human-powered vehicles. In the event a highway includes two or more separate roadways the term 'roadway' as used herein shall refer to any such roadway separately but not all such roadways collectively."

11–1205—Position on Roadway

"(a) Any person operating a bicycle or a moped upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as close as practicable to the right-hand curb or edge of the roadway except under any of the following situations:

(1) When overtaking and passing another bicycle or vehicle proceeding in the same direction.

(2) When preparing for a left turn at an intersection or into a private road or driveway.

(3) When reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or substandard width lanes that make it unsafe to continue along the right-hand curb or edge. For purposes of this section a 'substandard width lane' is a lane that is too narrow for a bicycle and a vehicle to travel safely side by side within the lane.

(b) Any person operating a bicycle or a moped upon a one-way highway with two or more marked traffic lanes may ride as near the left-hand curb or edge of such roadway as practicable."

11–1205.1—Use of Bicycle Paths

"(b) Wherever a usable path for bicycles has been provided adjacent to a roadway bicycle riders shall use such path and shall not use the roadway."

11–1209—Bicycles and Human-Powered Vehicles on Sidewalks

"(a) A person propelling a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall yield the right of way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

(b) A person shall not ride a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, where such use of bicycles is prohibited by official traffic control devices.

(c) A person propelling a vehicle by human power upon and along a sidewalk, or across a roadway upon and along crosswalk, shall have all the rights and duties applicable to a pedestrian under the same circumstances."

11–1210—Bicycle Parking

"(a) A person may park a bicycle on a sidewalk unless prohibited or restricted by an official traffic control device.

(b) A bicycle parked on a sidewalk shall not impede the normal and reasonable movement of pedestrians or other traffic.

(c) A bicycle may be parked on the roadway at an angle to the curb or edge of the roadway at any location where parking is allowed.

(d) A bicycle may be parked on the roadway abreast of another bicycle or bicycles near the side of the roadway at any location where parking is allowed.

(e) A person shall not park a bicycle on a roadway in such a manner as to obstruct the movement of a legally parked motor vehicle.

(f) In all other respects, bicycles parked anywhere on a highway shall conform with the provisions of article 10 regulating the parking of vehicles."

11–313—Restrictions on Use of Controlled Access Roadway

"(a) The (State highway commission) by resolution or order entered in its minutes, and local authorities by ordinance, may regulate or prohibit the use of any controlled access roadway (or highway) within their respective jurisdictions by any class or kind or traffic which is found to be incompatible with the normal and safe movement of traffic.

(b) The (State highway commission) or the local authority adopting any such prohibition shall erect and maintain official traffic control devices on the controlled access highway on which such prohibitions are applicable and when in place no person shall disobey the restrictions stated on such devices."

[FR Doc. 80–23008 Filed 8–1–80; 8:45 am]

BILLING CODE 4910–22–M

federal register

Monday
August 4, 1980

Part III

Department of The Interior

Bureau of Land Management

Prohibited Acts in Wild and Scenic River Areas

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 8351

[Circular No. 2473]

Prohibited Acts in Wild and Scenic River Areas

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking will establish the procedure under which the Secretary of the Interior will exercise the authority granted by the Wild and Scenic Rivers Act to establish rules for the use of the lands and water surface within the boundary of any segment of the Wild and Scenic River System administered by the Bureau of Land Management. This procedure is needed to allow adequate management protection of those segments of the Wild and Scenic River System falling under the administrative control of the Bureau of Land Management.

EFFECTIVE DATE: September 3, 1980.

ADDRESS: Any suggestions or inquiries should be sent to: Director (420), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Larry R. Young (202) 343–9353.

SUPPLEMENTARY INFORMATION: The principal author of this final rulemaking is Larry Young of the Division of Recreation and Cultural Resources, Bureau of Land Management, Washington, D.C., assisted by the staff of the Office of Legislation and Regulatory Management, Bureau of Land Management.

Proposed rulemaking was published on pages 14607–14608 in the **Federal Register** of March 6, 1980, and comments were invited for 60 days ending May 5, 1980. Comments were received from 23 sources, including individuals, State governments, businesses, environmental groups and Federal agencies. These comments have been reviewed and analyzed. The following is a summary of the comments and responses to them.

Comment. These regulations usurp the authority over rivers that traditionally belongs to the States.

Response. State authority will prevail on the waters of wild and scenic river areas unless it conflicts with the purposes of the Wild and Scenic Rivers Act.

Comment. The regulations should provide for State and public participation.

Response. There will be opportunities for public participation under the procedures of the Bureau of Land Management's planning system. There are, however, situations that do not lend themselves to public particpation. A period of high fire danger is an example.

Comment. The Bureau of Land Management should have citation authority to enforce these regulations.

Response. These regulations will authorize the Bureau of Land Management to issue citations under authority granted by the Wild and Scenic Rivers Act, upon the date they become effective.

Comment. The regulations should include a provision for appeals.

Response. Any party who is adversely affected by a decision of an authorized officer has the right of appeal under 43 CFR Part 4.

Comment. The authorized officer has too much authority under these regulations.

Response. Authorized officers have been given no more authority than allowed by law. As pointed out above, any party adversely affected by an authorized officer's decision has the right of appeal.

Comment. Commenters asked what the effect will be of orders that restrict the use of or close Bureau of Land Management-administered lands upon which there are water rights adjudicated to private parties.

Response. Those persons with legitimate water rights may be exempted from a closure order by the authorized officer to the extent necessary to secure those rights.

Comment. The Bureau of Land Management cannot restrict uses of or close private lands, water inholdings or valid rights of access in wild and scenic areas.

Response. The Bureau of Land Management is not attempting to restrict uses of or close private lands or rights. Section 8351.2–1(a) has been rewritten to make this clear.

Comment. In § 8351.2–1(b), the word "may" should be changed to "shall".

Response. Since an order can apply only to Bureau of Land Management-administered lands, the word "may" is appropriate here.

Comment. Section 8351.2–1(b)(2) should be amended to read "Owners or lessees of lands *and property* in the area."

Response. The word "lands" has been replaced with the word "property" because property includes lands.

Comment. Holders of unpatented mining claims should be included among those who may be exempted in a written order.

Response. Mining claimants will qualify for exemption under § 8351.2–1(b)(5). Of course, all mining claimants, including those on wild and scenic river areas, will be subject to the surface management regulations of 43 CFR Part 3809 when they become effective.

Comment. The regulations should require the posting of orders on the waters or within the boundaries of wild and scenic river areas.

Response. Section 8351.2–1(d)(2) has been amended to reflect this suggestion.

Comment. There are many additional prohibitions that should be identified in § 8351.2–1(e).

Response. This need has been acknowledged with the addition of § 8351.2–1(e)(7) which provides the authorized officer with the authority to prohibit other acts, where appropriate.

Comment. As regards § 8351.2–1(e) the question was raised as to whether the Bureau of Land Management will allow improper garbage disposal and disorderly conduct when there is no order prohibiting these acts.

Response. The Bureau of Land Management is currently preparing a proposed rulemaking that will address these problems.

Comment. The punishments for violations of these regulations are inappropriate.

Response. The Wild and Scenic Rivers Act and these regulations describe the maximum penalty. The actual penalty for a cited offense will be established by the Magistrate for the appropriate U.S. District Court. Penalties cannot exceed the maximum prescribed in the Act.

Comment. Define the word "area" as used in § 8351.2–1(b) (2) (3) and (5).

Response. Additional wording has been added to the regulations to clarify the meaning of the word "area".

Editorial and clarification changes have been made as needed to clarify the rulemaking.

Note.—The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

Under the authority of section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), Subpart 8351, Part 8350, Group 8300, Subchapter H, Chapter II, Title 43 of the Code of Federal Regulations is amended by adding the following sections as set forth below.

James W. Curlin,

Acting Assistant Secretary of the Interior.

July 29, 1980.

§ 8351.1 Trails [Reserved]

§ 8351.2 Rivers.

§ 8351.2-1 Special rules.

(a) The authorized officer may issue written orders which close or restrict the use of the lands and water surface administered by the Bureau of Land Management within the boundary of any component of the National Wild and Scenic River System when necessary to carry out the intent of the Wild and Scenic Rivers Act. Each order shall:

(1) Describe the lands, road, trail or waterway to which the order applies;

(2) Specify the time during which the closure or restriction applies;

(3) State each prohibition which is applied; and

(4) Be posted in accordance with paragraph (d of this section.)

(b) A written order may exempt any of the following persons from any of the prohibitions contained in the order:

(1) Persons with written permission authorizing the otherwise prohibited act or omission. The authorized officer may include in any written permission such conditions considered necessary for the protection of a person, or the lands or water surface and resources or improvements located thereon.

(2) Owners or lessees of property within the boundaries of the designated wild and secenic river area.

(3) Residents within the boundaries of the designated wild and scenic river area.

(4) Any Federal, State, or local government officer or member of an organized rescue or fire suppression force in the performance of an official duty.

(5) Persons in a business, trade or occupation within the boundaries of the designated wild and scenic river area.

(c) The violation of the terms or conditions of any written permission issued under paragraph (b)(1) of this section is prohibited.

(d) Posting is accomplished by:

(1) Placing a copy of an order in each local office having jurisdiction over the lands affected by the order; and

(2) Displaying each order near and/or within the affected wild and scenic river area in such locations and manner as to reasonably bring the prohibitions contained in the order to the attention of the public.

(e) When provided by a written order, the following are prohibited;

(1) Going onto or being upon land or water surface;

(2) Camping;

(3) Hiking;

(4) Building, maintaining, attending or using a fire;

(5) Improper disposal of garbage, trash or human waste;

(6) Disorderly conduct; and

(7) Other acts that the authorized officer determines to be detrimental to the public lands or other values of a wild and scenic river area.

(f) Any person convicted of violating any prohibition established in accordance with this section shall be punished by a fine of not to exceed $500 or by imprisonment for a period not to exceed 6 months, or both, and shall be adjudged to pay all costs of the proceedings.

(16 U.S.C. 1281(c), 16 U.S.C. 3)

[FR Doc. 80-23283 Filed 8-1-80; 8:45 am]

BILLING CODE 4310-84-M

federal register

Monday
August 4, 1980

Part IV

Water Resources Council

Great Plains Gasification Project

WATER RESOURCES COUNCIL

Great Plains Gasification Project, Mercer County, N. Dak.; Water Assessment

AGENCY: United States Water Resources Council.

ACTION: Notice of water assessment report for public review and comment.

SUMMARY: This notice incorporates the Water Assessment Report prepared by the Water Resources Council under the provisions of Section 13(c) of the Federal Nonnuclear Energy Research and Development Act of 1974.

DATE: Comments on this report are due on or before November 3, 1980.

ADDRESS: Send comments to: Gerald D. Seinwill, Deputy Director, U.S. Water Resources Council, 2120 L Street, N.W., Washington, D.C. 20037.

FOR FURTHER INFORMATION CONTACT: Frank S. Davenport, Program Leader or Ronald L. Scullin, Staff Specialist, U.S. Water Resources Council, 2120 L Street, N.W., Washington, D.C. 20037, phone: 202–254–6352.

Dated: July 30, 1980.

Gerald D. Seinwill,

Deputy Director.

Contents

Preface
Foreword
I. Principal Findings
A. Project Water Requirements
B. Water Supply Availability
C. Water Resources Impacts
D. Changes in Water Use
II. Project Description
A. Project Features
B. Base Energy Resources
C. Gasification Plant Description
D. Support Activities
E. Water Requirements
F. Wastewater Management
III. Water Supply Availability
A. Surface Water Resources
B. Groundwater Resources
C. Competing Uses of Water
D. Water Rights
IV. Water Quantity and Quality Impacts
A. Surface Water Quantity
B. Groundwater Quantity
C. Surface Water Quality
D. Groundwater Quality
E. Rural Domestic and Municipal Systems
F. Instream Uses
G. Changes to Wetlands
Selected References

Preface

The U.S. Water Resources Council (WRC) has prepared this report on the Great Plains Gasification Associates Project in Mercer County, North Dakota, under the provisions of paragraph (c) of Section 13 of the Federal Nonnuclear Energy Research and Development Act of 1974, as amended. This report assesses:

(1) the availability of adequate water supplies to meet the water requirements of the project, supporting activities, and other development induced by the project; and

(2) the changes in the water resources that will result from the project.

Under a memorandum of agreement with WRC, the Missouri River Basin Commission (MRBC) submitted a report entitled, "Section 13(c), Water Assessment for Great Plains Gasification Associates Project." The findings in the MRBC report are basis for this assessment.

Both the MRBC report and this report are based on existing information on the proposed gasification project and the water resources of Mercer County.

Publication of this report in the **Federal Register** is mandated by section 13(c) of the Federal Nonnuclear Energy Act to provide for a 90-day public review and comment period. Comments on the report are to be submitted to Gerald D. Seinwill, Deputy Director, U.S. Water Resources Council, 2120 L Street, N.W., Washington, D.C. 20037.

After the 90-day review period, the WRC staff will analyze the comments received and forward the comments, the WRC analysis, and the water assessment report to the Secretary of the Department of Energy.

Foreword

The Water Resources Council is completing water assessment of synfuels development in the Upper Missouri River Basin. This is being done under Section 13(a) of the Federal Nonnuclear Energy Research and Development Act. The assessment area includes the coal deposits in the Mercer County project site. Levels of North Dakota coal gasification development that are several times the production level of the Great Plains gasification project are being examined.

Findings of the 13(a) assessment show that water supplies are physically available within the mainstem of the Missouri River in North Dakota to supply the requirements of the gasification facilities and the supporting activities—mining and reclamation, electricity, and project-induced population increases. Results of the assessment will be published in the **Federal Register.**

Chapter I. Principal Findings

A. Project Water Requirements

1. The coal gasification plant will require 12,800 acre-feet of water per year. Approximately 70 percent of this requirement is for cooling.

2. Electricity for the gasification plant will be provided by the adjacent powerplant of Basin Electric Cooperative. Powerplant water requirements to generate electricity for the gasification plant are estimated at 2,300 acre-feet/year.

3. Water requirements for mining activities to provide coal to the gasification plant are estimated to be 270 acre-feet/year.

4. Population growth and economic activity associated with employment at the gasification project and coal mines will increase local municipal water supply requirements by 410 acre-feet/year.

B. Water Supply Availability

1. Water supplies for the gasification plant and the adjacent powerplant will be provided through a diversion structure and pipeline from Lake Sakakawea, which if formed by Garrison Dam on the Missouri River in North Dakota.

2. The U.S. Department of the Interior has a marketing agreement to supply the water requirements of the gasification plant and adjacent powerplant from Lake Sakakawea.

3. The State of North Dakota has granted a conditional water rights permit for the diversion from Lake Sakakawea.

4. The Missouri River below Garrison Dam presently has an average annual flow of 17 million acre-feet. Increase upstream depletions may reduce this flow to about 16 million acre-feet by the year 2000.

5. Present and projected flows in the Missouri River will be more than adequate to meet the requirements of the gasification project and adjacent powerplant. The active storage capacity of Lake Sakakawea is 17.7 million acre-feet, which is more than adequate to regulate the flows of the Missouri River during the day season and longer drought cycles.

6. Groundwater resources at the project site are minimal but should be sufficient to meet the requirements of coal mining activities, adjacent minicipal water supply systems, and rural domestic users. Groundwater for the direct project activities will not be used after the water supply line and pumping section are in operation.

8. The water quality of the Missouri River and Lake Sakakawea poses no major problem that may limit its use for gasification plant purposes.

C. Water Resources Impacts

1. Diversions of water for gasification plant and supporting activities will reduce flow of the Missouri River at Garrison Dam and downstream by about 0.1 percent.

2. Runoff and sediment control features will reduce stormwater flows to minor tributaries that drain the project site and adjacent coalfields.

3. Shallow groundwater aquifers under the 19.5 square miles of the coalfield will be destroyed during mining. Land reclamation will restore some original characteristics, probably with increased recharge and transmissibility rates.

4. The project will not measurably affect surface water quality of the Missouri River.

5. Ash disposal in mine pits will deteriorate groundwater quality in reclaimed areas and possibly other adjacent areas.

D. Changes in Water Use

1. Flow depletion of the Missouri River at Garrison Dam and downstream will annually reduce hydroelectric power production by 7.1 million kilowatt hours (0.1 percent). The value of lost hydroelectric power generation is estimated at about $300,000/year ($1979), which will be offset by revenues from sale of water for the project.

2. Flow depletion may also reduce navigation on the Missouri River below Sioux City, Iowa, but for an average of less than 1 day per year.

3. Rural domestic and stockwatering wells adjacent to reclaimed mine areas may deteriorate in quality below acceptable levels. The wells will be monitored. If unsafe deterioration occurs, the project developer has agreed to develop replacement water supplies.

Chapter II. Project Description

A. Project Features

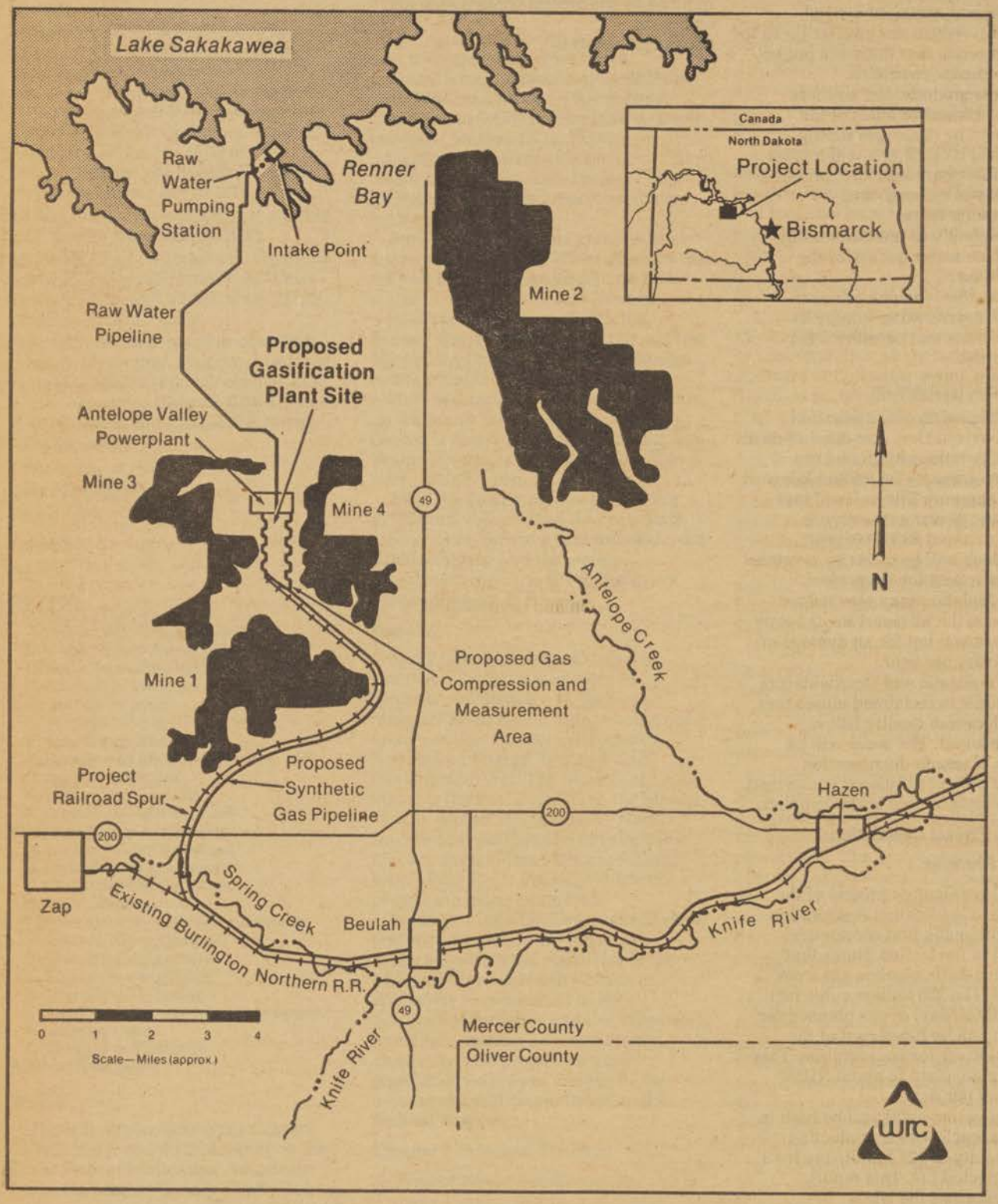
The coal gasification project of the Great Plains Gasification Association (GPGA) will be the first commercial-scale plant in the United States that produces synthetic pipeline gas from lignite coal. The 250 million cubic feet per day (MMcf/day) of gas planned for production will be piped east of the Mississippi River for consumption. This amount is equivalent to about 50,000 barrels of oil per day.

The gasification plant will be built in two phases, each with a production supply capacity of 125 MMcf/day for a 40-year expected life. This report, however, assesses the water requirements and supply availability and the consequent effects of constructing and operating the full 250 MMcf/day project.

The term "project" includes the gasification plant, part of the adjacent electric powerplant, the mining activities, and the increased population induced by the project construction and operation.

BILLING CODE 8410-01-M

Figure 1
Project Area



BILLING CODE 8410-01-C

Project Location

The project is located in Mercer County, North Dakota, approximately 65 miles northwest of Bismarck in the area generally described as the Northern Great Plains (Figure 1). The gasification plant is about 6 miles south of Lake Sakakawea, which is formed by the Garrison Dam on the Missouri River. The 1975 estimated populations of nearby municipalities are: Zap, 278; Beulah, 1,949; and Hazen, 1,493.

Construction Schedule

Construction for phase I of the gasification plant is planned to begin in 1980, with plant operation scheduled for 1983. Construction of phase II will be deferred so that phase I construction and operation experience can be used to improve the second phase design. The second phase is tentatively scheduled to begin 1985 and be completed by about 1989. Construction of the adjacent steam-electric powerplant and the water supply system has already begun.

B. Base Energy Resources

Coal

The gasificaiton plant will require about 9.4 million tons of coal per year. The adjacent powerplant will also require about 5.2 million tons per year for its full capacity. Coteau Properties Company, a subsidiary of North American Coal Corporation, will surface mine the needed coal from four locations within the Beulah-Hazen coalfield surrounding the plant (Figure 1). Coteau has options on 1.5 billion tons of coal (947 million tons recoverable) in and around Mercer County. This amount is enough to supply the power and gasification plants for 65 years.

Electricity

The Basin Electric Power Cooperative Powerplant will have an 880-megawatt (MW) capacity when in full operations. Of this amount, the gasification plant will use about 160 MW and the water pumping station and projection mines will require another 20 MW. The power plant will also supply other customers in the area.

Water Supply

Lake Sakakawea, which has 17.7 million acre-feet of active storage, will be the primary source for the project water. During the construction period, groundwater can be used to support project activities until the water supply line and pumping station are in operation. The area has limited but adequate groundwater to support the increased population induced by the project.

C. Gasification Plant Description

The plant will use the Lurgi gasification process to produce pipeline-quality, high-Btu synthetic gas with a minimum heating value of 970 British thermal units per cubic foot.

In the Lurgi process, the carbon content of the low heat-producing, lignite coal is combined with the hydrogen extracted from the water to form a crude gas mixture. The methane in the crude gas is further processed to produce a high-thermal gas (nearly 1,000 Btu/ft 3) by shift conversion, purification, and methanation.

A detailed description of the gasification process is beyond the scope of this assessment; however, the major units for the gasification, water treatment, and byproduct recovery processes are:

- gasification—generation of raw low-Btu gas by heating lignite under pressure in the presence of oxygen and steam
- shift conversion—production of hydrogen by reaction of part of the generated gas with steam
- gas cooling—condensation of heavier hydrocarbons
- rectisol—removal of carbon dioxide, sulfur compounds, and other impurities from raw gas
- methanation—conversion of low-Btu gas to methane-rich, high-Btu gas
- gas compression and drying—drying and delivery of gas to pipeline system
- gas-liquor separation—separation of recoverable hydrocarbons
- phenosolvan—removal of phenols from process water after the gas-liquor separation
- ammonia recovery—absorption and recovery of ammonia and other usable material from process water

The plant will also have facilities for steam generation, power transmission, raw and wastewater treatment, pollution abatement, fire protection, coal storage and preparation, and transportation of raw materials, secondary products, and waste products for burial. A 20-inch pipeline will transport the product gas about 365 miles to Thief River Falls, Minnesota, where it will join existing pipelines.

D. Support Activities

Mining and Reclamation

Mining operations are designed to produce approximately 56,000 tons per working day, almost double the 25,750 tons per day required by the gasification plant. The coal will be surface mined from four locations of the Beulah-Hazen coalfield (Figure 1) and trucked to the nearby coal preparation facility. The overlying soil and rock will be removed, stockpiled, and replaced after mining. During mining and reclamation runoff and mine-pit water will be intercepted.

Water Supply System

Raw water will be piped from Lake Sakakawea through a submerged intake in Renner Bay. The intake will be located 72 feet below normal lake elevation to ensure a constant water supply, even at minimum lake elevation, and to reduce adverse environmental and esthetic effects.

Lake water will flow by gravity through the intake to an onshore pumping station with hydraulic capacity to deliver water at the peak usage rate of 22,500 gallons per minute or about 36,000 acre-feet per year. From the pumping station, the water will flow 7 miles through a 42-inch underground pipeline to a storage reservoir on the project site.

There the raw water will be clarified and softened for use in the powerplant and gasification operations. Basin Electric Power Cooperative is currently building and will maintain the water supply system.

Project-Induced Population Growth

Construction and operation of the gasification plant and support activities will bring additional workers and their families into the area. An immigrant population peak of 5,125 will be reached during the construction period. The induced population will stabilize at about 2,730 after construction is completed.

E. Water Requirements

Although the project requires about 15,780 acre-feet/year (Table 1), the total amount will reduce releases from Lake Sakakawea by about 0.1 percent.

Table 1.—*Total Annual Water Requirements*

Requirements	Acre-feet
Direct gasification plant purposes	12,800
Powerplant	2,300
Mining	270
Increased rural domestic and commercial consumption	410
Total annual water requirement	15,780

Gasification Plant

The cooling system will be the principal water-using component of the gasification plant. The plant will have two cooling towers: one reusing the process water and one using clarified fresh water. Both units are designed for a two-stage use of the circulating cooling water.

Rates of water use and loss vary by season. For example, in summer about

7,720 gallons per minute will be evaporated, but in the winter this amount will drop to 5,790 gallons per minute.

Electric Powerplant

The adjacent electric powerplant will require a total of about 11,200 acre-feet/year; of this amount, 2,300 acre-feet/year will be needed to generate electricity for the project purposes.

Mining and Reclamation

The mining operation will require about 450 acre-feet/year for dust control. This water, which will come from mine-site stormwater ponds and excess mine-pit water, is not included in the project water requirements. All other mining operation water (270 acre-feet/year) will be provided by the project water supply system as shown in Table 1. Extensive irrigation to establish reclamation growth should not be required, since the annual precipitation is generally adequate for regrowth.

Induced Development

The additional demand on domestic and commercial water supplies from project-induced population growth and related economic activity will average an estimated 410 acre-feet/year. Both central and noncentral domestic and commercial supplies will come from groundwater supplies.

F. Wastewater Management

Design of the coal gasification facilities includes means for management of wastewaters from: the process, cooling tower blowdown, site runoff, solid wastes, and sewage.

Process Wastewater

The gasification process is designed to enable extensive recycling of process water. Wastewater from the process will be disposed of by deep-well injection into a highly brackish (about 200,000 parts/million of total dissolved solids) groundwater aquifer (Figure 2). Water quality characteristics of this wasterwater are shown in Table 2. Some process wastewater will be disposed of with the solid wastes.

Table 2.—*Estimated Characteristics of Wastewater for Deep-well Injection*

Parameter	Milligrams/liter
$CaSO_4$	540
$MgSO_4$	460
Na_2SO_4	6460
NaCl	2770
$NaHCO_3$	110
$CaCl_2$	860
$MgCl_2$	730

Cooling Tower Blowdown

Blowdown from the cooling tower will be concentrated in a multi-effect evaporator. Evaporated water will be condensed and portions will be used as makeup water in the cooling tower. Concentrate from the evaporators (consisting of 92 percent water, 6 percent acetate, 1 percent phenols, and 1 percent inorganic salts), produced at a rate of 0.1 million gallons/day (mgd), will be incinerated. During extreme winter conditions the distillate will be disposed of in the deep well.

Site Runoff

Plant areas that may be a source of contaminated liquids will be paved with concrete. Drainage from these areas will be collected in sewers and transported to a retention pond, also concrete lined. Water that is not evaporated from the pond will be treated and the sludge will be buried in the mine pits.

Stormwater runoff from clean areas on the plant site will be collected in open ditches and routed into a 112 acre-foot retention pond. This pond is designed to handle flows from a storm that has a 25 percent probability of occurrence each year.

The mining activities will have impoundments to intercept runoff and mine-pit water. The impoundments will be designed to control sediment, as required by surface mining regulations.

Solid Wastes

Four types of solid wastes will be generated at the plant:

1. Ash from the gasifiers and from the evaporator concentrate incinerator and fly ash from steam boilers
2. Sludge from surface water treatment
3. Sludge from biological treatment unit for sanitary sewage
4. Refuse (paper, cartons, rags, wood, scraps, etc.).

The gasifier ash will be dewatered in the ash-handling facilities and buried at the time. The total ash production will be about 720,00 tons per year. The fly ash collected by electrostatic precipitators will also be hauled to the mine for disposal, as will the sludge from raw water treatment. Sludge from the biological wastewater treatment plant will be used as a soil conditioner. Combustible refuse will be burned in an incinerator. Solid waste disposal will comply with the Federal Resource Conservation and Recovery Act (Public Law 95–609) and subsequent regulations.

About 0.05 mgd of sewage will be processed in a package treatment unit. This unit will include facilities for biological oxidation, clarification, and chlorination. Solids accumulated in this unit will be used as a soil conditioner in the mine reclamation program. Effluent from the waste-treatment unit will be discharged to a stormwater pond, which will act as a polishing pond (tertiary treatment) prior to discharge. Chemical toilets will be installed to handle the larger sewage treatment load during the construction period.

Chapter III. Water Supply Availability

A. *Surface Water Resources.* The principal surface water resources in the vicinity of the project site are:

(1) The main stem of the Missouri River below Garrison Dam.

(2) Lake Sakakawea, a reservoir formed by Garrison Dam on the Missouri River.

(3) Knife River, which is a tributary of the Missouri River and drains an area of west-central North Dakota, including the project site.

(4) Antelope Creek, which is a minor tributary of the Knife River and drains the project site and some of the coal mines.

(5) Spring Creek, which is a tributary of the Knife River.

The drainage area above Garrison Dam is 180,000 square miles, including parts of Montana, Wyoming, and North Dakota, and the provinces of Alberta and Saskatchewan. The average annual flow of the Missouri River below the dam is about 17 million acre-feet (maf). Currently about 2.5 maf are depleted annually, mostly for upstream crop and pasture irrigation. The depletions are projected to increase to 2.9 maf annually by 1985, and to 3.4 maf annually by 2000. Expansion of irrigated agriculture is the principal factor in the increases; energy development (coal mining, steam electric power, and possible synthetic fuel facilities) is a rapidly growing consumptive use of water, which may be a major factor in depletions by 2000. However, even with the increased depletions, annual flow will still be about 16 maf.

Lake Sakakawea has an active storage capacity of 17.7 maf. The lake is operated by the U.S. Army Corps of Engineers for several purposes, including hydroelectric power generation and water conservation. the U.S. Department of the Interior markets water from the reservoir and has allocated substantial quantities for municipal and industrial purposes. Inflow to the lake through the Missouri River is stabilized by the operation of Fort Peck Reservoir upstream in Montana.

The Knife River drains an area of about 2,250 square miles and enters the Missouri River a short distance

downstream of Garrison Dam. It has an average annual flow of 130,000 acre-feet at Hazen, North Dakota, near the site. Most flows occurs during periods of spring snowmelt and heavy thunderstorms in the watershed. There are periods of no flow in the river. Reservoir storage would be needed if the river were to serve as a dependable source of supply for the project.

Antelope and Spring Creek flows are less dependable than those of the Knife River and are extremely limited as potential water supply sources.

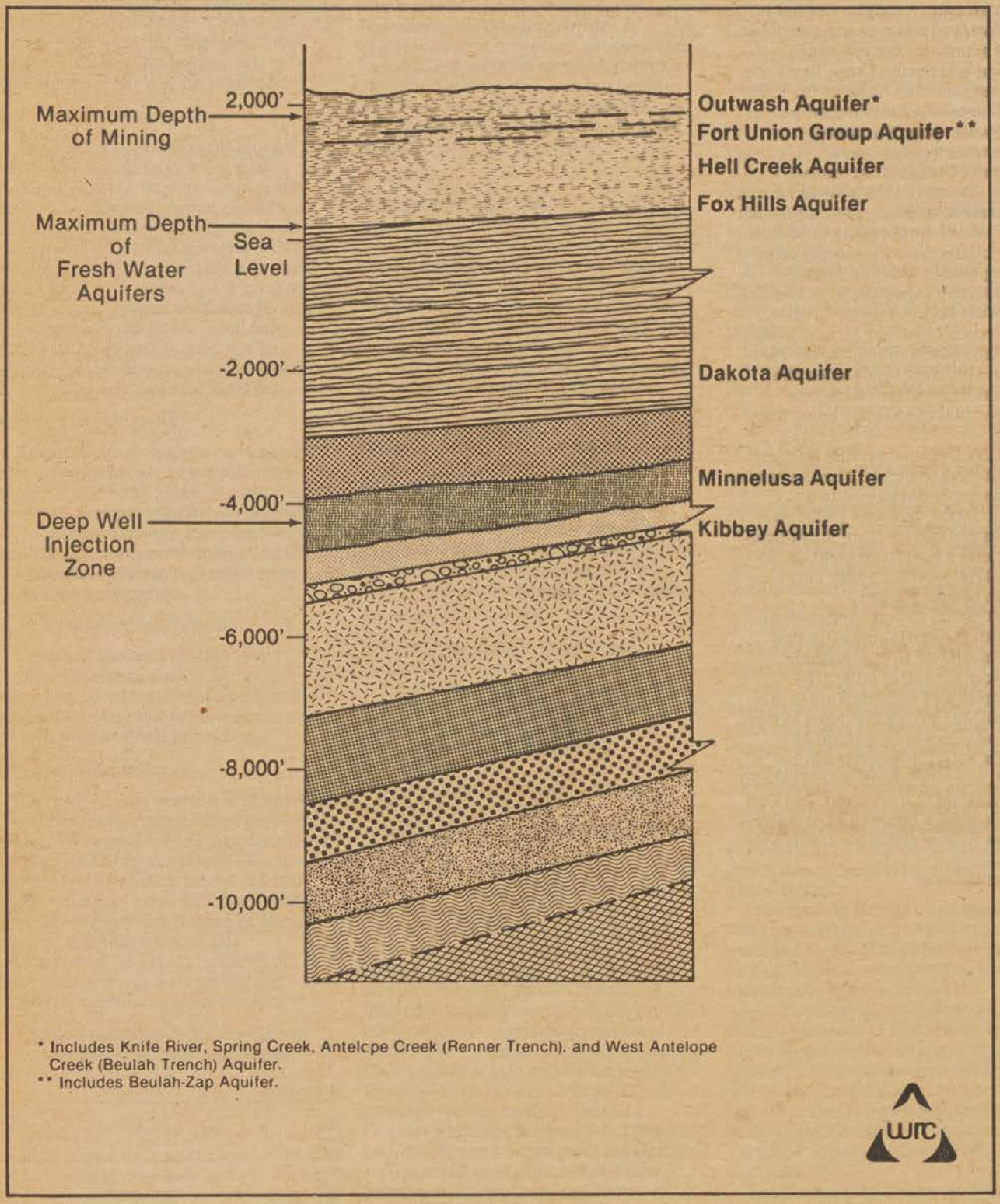
B. *Groundwater Resources.* Groundwater is present in limited quantities throughout the project area in the relatively shallow lignite and deeper sandstone aquifers. Aquifers in Mercer County include: the outwash deposits underlying the Knife River, Spring Creek, Antelope Creek (Renner Trench), and the West Fork Antelope Creek (Beulah Trench); the Fort Union Group of lignite and sandstone units; the Hell Creek and Fox Hills sandstones; the Dakota sandstones; the Minnelusa sandstones; and the Kibbey limestone (Figure 2).

Potentially the most prolific aquifers are the outwash deposits. They have not been explored or developed to a significant extent, but well yields over 100 gallons per minute (gpm) have been recorded, and a sustained yield on the order of 10,000 acre-feet/year may be possible in Mercer County.

The Fort Union Group comprises an aquifer with fractured and saturated lignite (or shale) or with sandstone lenses below the water table. The Beulah-Zap lignite bed constitutes the most consistent unit of this type. Where jointing and adequately saturated thickness exists, this aquifer can be developed to sustain farm or individual household needs (2 to 10 gpm). The Fort Union Group units produce hard water that is high in iron and often colored by organics.

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Figure 2
Approximate Depths of Aquifers
Mercer County



* Includes Knife River, Spring Creek, Antelcpe Creek (Renner Trench), and West Antelope Creek (Beulah Trench) Aquifer.
** Includes Beulah-Zap Aquifer.

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The Fox Hills and Hell Creek sandstones are interconnected. They produce water that is developed for farm, household, domestic, and municipal purposes. The potential yield has not been exhausted, but data suggest that the recharge rate of this aquifer in Mercer County is less than 200 acre-feet/year. Water from the Fox Hills is soft, moderately mineralized, and relatively high in sodium bicarbonate.

Data on the deep aquifers (Dakota, Minnelusa, and Kibbey) in Mercer County is limited. Their main characteristics have been deduced from wells and other data in adjoining counties. The Kibbey and Minnelusa units contain brine with greater than 100,000 milligrams/liter (mg/l) of total dissolved solids (TDS). The Dakota sandstone contains brackish water (about 50,000 mg/l of TDS).

C. *Competing Uses of Water.* As the number of energy and related projects increases in this area, conflicts for water may arise in some localities. The principal competition for available Missouri River water supplies is between instream nonconsumptive water uses and offstream consumptive uses.

Most instream use in the Missouri River depends on main stem reservoir operations for the primary purpose of flood control, navigation, and hydropower functions. Releases at Garrison Dam are governed by detailed operating rules. To meet the downstream flow needed to maintain water levels at municipal and industrial water supply intakes, the minimum flow release is generally 11,900 acre-feet/day during the ice-free navigation season and 7,900 acre-feet/day during the remaining time. Reservoir releases above the minimum are made for the most part to maximize hydropower generation from the main stem reservoir system.

Instream uses will continue to be affected by the increased depletions of Missouri River supplies upstream and downstream of Garrison Dam. The coal gasification project and further energy development in other areas of the Basin must be viewed in that context. Moreover, as depletions increase, competition among offstream users (e.g., energy development vs. agriculture) can be expected to increase.

D. *Water Rights.* In 1974, the North Dakota State Water Commission granted to the project sponsors a conditional permit for maximum withdrawal of 17,000 acre-feet/year from Lake Sakakawea. This permit was granted on the condition that the right be perfected by actual water use within 8 years and that the project activities comply with pertinent State codes and regulations. Time extensions can be granted.

Future legislation, administrative action, or court action could require that contracts be revised or renegotiated, but the principles of prior appropriation and beneficial use should ensure the project's rights.

The North Dakota State Water Commission (SWC) included a number of stipulations in the conditional water permit granted to the ANG Coal Gasification Company (ANGCGC) for the proposed gasification project. Among others, the conditions stipulate that ANGCGC must: (1) use the most environmentally acceptable methods to minimize evaporation and other wasteful water uses; (2) consult, cooperate with, and secure all necessary permits from State agencies concerned with use of water and the facility's effects on the environment, economy, and State governmental units; (3) conform to SWC recommendations on protection of the groundwater supplies.

The Mercer County Board of Commissioners has also attached a number of stipulations that would allow for monitoring of the project to reduce adverse effects to water resources. Among these are that ANGCGC must submit: (1) the project control plan to reduce runoff and retain natural vegetation; (2) a copy of the permit for construction of the deep-well waste disposal facility issued by the State Department of Health; (3) a detailed report on the proposed plant's effects on area groundwater quantity and quality.

Chapter IV. Water Quality and Quantity Impacts

In addition to the direct changes to water quality and quantity, the construction and operation of the project will also change the social, economic, and environmental conditions of Mercer County. Although these changes are an effect of the project, this assessment deals only with those changes directly related to projeci water use. Other studies listed in the selected references have analyzed the nonwater-related impacts.

The impacts related to water use or changes to water use are:

- Changes in water quantity.
- Changes in water quality.
- Changes in water uses.

In general, the construction and operation of the gasification plant, the support powerplant and mining operations, and the increased population induced by the project will not significantly affect the water resources in the area. The project's effects on quantity and quality of surface and groundwater are described below.

A. *Surface Water Quantity.* Missouri River.

The direct gasification plant and support uses will deplete releases from Lake Sakakawea to the Missouri River by about 0.1 percent in a normal year. The slight lowering of lake levels will also reduce evaporation losses from Lake Sakakawea and will increase circulation in Renner Bay. Hydropower generation at and below Garrison Dam will be decreased by 7.1 million kilowatt hours annually, which is about 0.1 percent of the 1979 total production. The navigation season below Sioux City, Iowa, will be reduced by an average of less than 1 day. The project should have no measurable effect on irrigation water supplies or flood control operations.

Project impacts during drought conditions have not been specifically evaluated. However, an analysis of the cumulative effects of energy conversion development on the Missouri River reservoirs indicates that the project will lower Lake Sakakawea levels less than 1 inch, even during drought conditions. Consequent effects on navigation should also be insignificant.

During construction of the water intake in Lake Sakakawea, turbidity may disturb fish and temporarily displace organisms living on or near the reservoir bottom. During periods of low water level (about 1 year in 8) the operation of the water intake will entrain some fish, but the inlet velocity of 0.5 feet/second should prevent serious losses.

Knife River. Downstream from the confluence of Antelope Creek with the Knife River, irrigation is a major use of the available streamflow. The drainage area of the Knife River at this location is over 2,300 square miles. Since the area of the project site is only 4.7 square miles, the project will not significantly affect the streamflow characteristics in the remaining portion of the basin. The decreased flow in the Knife River at Hazen will be less than 1 percent.

Runoff control structures at the plant site will eliminate the natural runoff from 1,000 acres. This will consequently reduce downstream flows in the Antelope Creek by about 14 percent. Runoff from active portions of the mine areas (about 2,000 acres) will also be confined, but runoff in excess of that required for dust control and other mining requirements will be pumped or released to the surface drainage system after settlement of sediment. These reductions in runoff have not been quantified, but are not considered significant.

B. *Groundwater Quantity.* Aquifer Destruction.

Mining will destroy the existing Beulah-Zap lignite bed and shallower units of the Fort Union aquifer under an estimated 19.5 square miles of surface area. While only qualitative bases for prediction exist, current evidence indicates that the planned reclaimed materials will have recharge and transmissivity characteristics that are equal to or greater than the undisturbed formations. After reclamation, the hydrologic and hydraulic characteristics of the aquifers should return to near the premining conditions.

Water Level Changes. Construction dewatering for the project facilities will deplete groundwater storage by lowering the potentiometric surface of local aquifers. This effect will be temporary and will be confined to the project site.

Mining operations will lower water levels where the overburden or lignite is saturated. If the aquifers being mined are characterized by jointing or bed-continuity over significant distances, the water levels will be lowered in the immediate vicinity of the active mine pit. These effects will extend from about .5 to 2 miles from active pit and reclamation areas. The mining may temporarily stop or reduce flow from the springs and wells immediately adjacent to the mine.

Groundwater tables in reclaimed mining areas should recover within a few years since the storage capacity and permeability will increase. Moreover, since the premining water levels are not far above the base of the Beulah-Zap aquifer, stable water level conditions probably will be restored within a few years after reclamation. In perched water zones, however, the postrecovery water level may be lower.

Paving, reservoir lining, and lining of detention ponds will disrupt recharge to aquifers underlying the project facilities for the life of the project. Project water control facilities and possible future diversions during reclamation will also reduce runoff from areas that are now sources of recharge to the Beaulah Trench. Locally, underflow to the glacial outwash may be reduced by diversion to mine-pit seepage. Although these activities will reduce the groundwater in storage under the project area, offsite groundwater users should not be affected.

C. *Surface Water Quality.* Project construction and operation activities will comply with runoff control and other regulations and thereby should avoid serious sediment and erosion-related impacts on water quality. Process wastewater will be discharged to a deep, brackish aquifer, not to surface waters.

The most significant project-related impacts will be (1) destruction of overburden during mining and (2) placement of project ash and sludge into the mine. These wastes will mineralize groundwater resources that may reach the surface water system as baseflow to Antelope Creek. An unknown number of springs or channel pools sustained in dry periods by groundwater may also be affected.

Missouri River. The project will have little measurable effect on the water quality of Lake Sakakawea or the Missouri River. Water supply withdrawals for the project will slightly increase circulation within Renner Bay and will reduce the dilution capacity of the Missouri River for water quality management purposes. Neither of these impacts are considered significant, probably not even measurable. Water intake features have been designed to minimize entrainment and impingement of aquatic life. The effects of constructing the intake structure and the connecting water supply conduit will be mitigated by isolating their construction from the lake water. The intake structure is being constructed in a caisson and the intake pipe will be constructed by tunneling.

Knife River. The quality of surface waters in the Knife River may be influenced by the dissolved solids increases that will accelerate from plant-site drainage, releases or overflows from runoff and sediment control structures, and from groundwater affected by ash burial and reclamation. Since the increased concentrations will be tolerable, they will not affect existing uses of the river.

D. *Groundwater Quality.* Both Federal and North Dakota State laws govern water quality impacts. The North Dakota State Water Quality Standards contain a policy that states: "Water whose existing quality is higher than the established standards will be maintained at the higher quality unless it can be affirmatively demonstrated that a change in quality is justifiable to provide necessary economic or social development and will not adversely affect the stated beneficial uses of the water. All exceptions must be supported by data."

Table 3 shows the general characteristics of the project area's groundwater sources.

Table 3.—*Groundwater Quality*

[Milligrams per liter]

Aquifer	Dissolved solids		Hardness		Sulfates	
	Min.	Max.	Min.	Max.	Min.	Max.
Outwash	375	1,471	209	568	6	426
Fort Union	482	5,570	25	1,803	123	3,305
Fox Hills, Hell Creek	1,410	1,690	8	16	1	11
Dakota	[a]5,000	[a]7,500	[b]na	na	na	na
Minnelusa	na	[a]150,000	na	na	na	na
Kibbey	na	[a]150,000	na	3,100	9,700	na

[a] as NaCl equivalent.
[b] na=no data available.

Three project activities may change these qualities:

- Leaching of ash disposed in the mine pits
- Percolation of water through reclamation overburden
- Migration of contaminants injected into the deep wells.

Some materials in the ash buried in the bottom of reclaimed mined areas, including sulfates and possibly other contaminants, will go into solution. The concentration of these dissolved materials could make the groundwater unusable for domestic and livestock purposes. The entire area of the Beulah-Hazen mine will probably be affected.

The possibility of further contamination of groundwater resources by outflow from the mine area to adjacent aquifers has not been specifically evaluated. Such contamination will probably be constrained by the limited precipitation

in the area and the slow rate of groundwater movement.

If compacted impervious materials are used, the groundwater contamination by burial of ash in the mine pits could be minimized. Ash could also be selectively isolated in structural depressions or pockets where groundwater movement would naturally be excluded or the amount minimized from the burial areas. The alternative of ash surface disposal rather than burial, however, would pose esthetic problems, require additional land areas, and potentially threaten ground and surface water quality to a greater degree.

Removal and replacement of overburden during mining activities will increase the surface areas of the overburden and thus expose more of the surfaces to air and water. The higher rates of mineral oxidation and salt solubility will increase concentration of dissolved solids in groundwater in the mined area.

The deep-well injection of project wastewaters is not expected to affect the shallower, more useable aquifers. Safeguards during well construction, and the impermeable beds separating the receiving aquifer from the shallow aquifers should prevent contamination of the shallow aquifers.

Highly mineralized water will migrate outward from reclaimed areas, probably as subsurface flow to outwash aquifers and adjacent streams. The extent and location of migration have not been estimated, but the limited area (19.5 square miles over the project lifetime), the low annual precipitation, and the recharge capacity of reclaimed lands suggest that the migration will be limited.

E. Rural Domestic and Municipal Systems

Adjacent communities have already substantially improved their water supply and wastewater treatment systems. For example, since the 1975 date shown in Table 4, Zap has upgraded its sewage system to serve a population of 700, instead of the 400 as shown. Other nearby communities have also expanded their systems to meet the increased demands.

Table 4.—*Water and Wastewater System Status*

Community	Population			Peak population year	System capability (as population served)	
	1975	1980	1989		Water	Wastewater
Beulah	1,949	3,897	3,803	5,849 (1982)	4,500	6,000
Golden Valley	239	346	392	448 (1982)	1,000	200
Hazen	1,493	2,746	3,775	4,046 (1983)	3,500	*3,700
Zap	278	429	602	684 (1982)	1,000	400

*5,000 with added aeration.

Since the domestic and municipal systems use groundwater supplies and the project will primarily use surface water, the project should not affect the amount available for municipal purposes. Sources for domestic and municipal supplies are beyond the immediate project site, so impacts from the project should not significantly affect the quality of community supplies. However, local landowners who depend on individual wells near the project site may be affected by the mining as discussed under groundwater quality impacts. Under conditions of the Mercer County Rezoning permit, the ANG Coal Gasification Company is liable for valid claims of damage due to disrupted water supplies or deteriorated groundwater quantity or quality caused by the project activities and must restore the quantity and quality to the levels prior to construction.

F. *Instream Uses.* The reduction (about 0.1 percent) in releases from Lake Sakakawea will slightly lower the lake level with the accompanying reduction in evaporation losses and increased circulation in Renner Bay. This may affect aquatic life and recreation, but the slight amount would be difficult to measure.

The reduced flow from Garrison Dam will decrease hydropower generation by about 7.1 million kilowatt hours annually, or about a $300,000 ($1979) equivalent. The flow reduction will reduce navigation below Sioux City, Iowa, only by an average of less than one day. Flood control operations should not be measurably affected.

G. *Changes to Wetlands.* The product gas pipeline will cross an estimated 32 of the approximately 160 wetlands near the proposed pipeline route. The pipeline construction will temporarily upset the wetland habitat, but compliance with wetland/dredge spoil permit provisions and timing of construction to avoid disruption of wildlife reproductive and migratory peak seasons are considered adequate protection from the temporary and localized impact.

Wetlands also occupy about 50 acres (0.3 percent) of the mine site, but there are no wetlands on the gasification plant site. Due to their fertility and depth, the wetland soils will probably be reclaimed for agricultural use. However, impoundments to confine drainage to the mine area and final cuts (which are not filled) will probably hold water. Proper grading of these reclaimed areas to provide shallow water may establish wetlands. The replaced overburden would also settle unevenly over a long period of time, thereby creating shallow surface depressions that may form wetland areas.

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3. U.S. Department of the Interior, Bureau of Reclamation, (USBR) "Final Environmental Impact Statement—ANG Coal Gasification Company," 1978.

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5. North Dakota State Water Commission, "Permit No. 1910A to Divert and Appropriate Water," April 1974.

6. Missouri Basin Inter-Agency Committee, (MBIAC) "The Missouri River Basin Comprehensive Framework Study, Volume 6, Land Resources Availability—Hydrologic Analyses and Projections," December 1971.

7. U.S. Department of the Interior, Bureau of Reclamation, (USBR) "Water for Energy, Missouri River Reservoirs Final Environmental Impact Statement," 1977.

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10. Groenewold, G. H., et al., "Geology and Geohydrology of the Knife River Basin and

Adjacent Areas of West-Central North Dakota," Report of Investigation No. 64, North Dakota Geological Survey, Bismarck, 1979.

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12. Rahn, A. H., "Potential of Coal Strip Mine Spoils as Aquifers in the Powder River Basin," Old West Regional Commission, Billings, Montana, 1976.

13. U.S. Department of the Interior, Bureau of Land Management, (USBLM) "West-Central North Dakota Regional Environmental Impact Study on Energy Development," 1978.

14. Michigan Wisconsin Pipe Line Company, "Coal and Water for Future Gasification," February 21, 1973.

[FR Doc. 80-23332 Filed 8-1-80; 8:45 am]

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Federal Register

Vol. 45, No. 151

Monday, August 4, 1980

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Federal Register, Daily Issue:

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633-6930	Public Inspection Desk
523-5227	Index and Finding Aids
523-5235	Public Briefings: "How To Use the Federal Register."

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523-3419	
523-3517	
523-5227	Index and Finding Aids

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523-5233	Executive Orders and Proclamations
523-5235	Public Papers of the Presidents, and Weekly Compilation of Presidential Documents

Public Laws:

523-5266 -5282	Public Law Numbers and Dates, Slip Laws, U.S. Statutes at Large, and Index
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523-5239	TTY for the Deaf
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523-3408	Automation
523-4534	Special Projects
523-3517	Privacy Act Compilation

FEDERAL REGISTER PAGES AND DATES, AUGUST

51167-51538.....1
51539-51754.....4

CFR PARTS AFFECTED DURING AUGUST

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive Orders:
12230.....51167
Proclamations
4776.....51539
Administrative Orders:
Memorandums:
July 31, 1980.....51169-51174

5 CFR

Ch.XIV.....51541
Proposed Rules:
359.....51214

6 CFR

705.....51175
706.....51541

7 CFR

210.....51175
301.....51176
910.....51177
917.....51179
921.....51180
924.....51180
948.....51182
1137.....51542
Proposed Rules:
29.....51572
272.....51216
273.....51216
404.....51573
1464.....51579
2858.....51217
2871.....51217

8 CFR

Proposed Rules:
214.....51580

10 CFR

110.....51184
Proposed Rules:
378.....51581

12 CFR

Proposed Rules:
Ch. II.....51581

14 CFR

39.....51543-51546
71.....51546
91.....51547
121.....51547
127.....51547
135.....51547
Proposed Rules:
71.....51587-51590
73.....51591

15 CFR

Proposed Rules:
19.....51592

16 CFR

Proposed Rules:
13.....51593, 51596
705.....51218

17 CFR

7.....51520
Proposed Rules:
1.....51598
4.....51600

18 CFR

Proposed Rules:
271.....51219
273.....51219
274.....51219
301.....51614

19 CFR

Proposed Rules:
Ch. I.....51490

20 CFR

Proposed Rules:
Ch. II.....51615

21 CFR

175.....51184
884.....51185, 51186
Proposed Rules:
610.....51226
660.....51226

23 CFR

Proposed Rules:
625.....51720
652.....51720
663.....51720

24 CFR

279.....51510
571.....51516
885.....51186
Proposed Rules:
570.....51227
865.....51228
866.....51615
886.....51228
888.....51228
889.....51229

27 CFR

Proposed Rules:
Ch. I.....51496

28 CFR

Proposed Rules:
Ch. I..... 51506

29 CFR

11..... 51187
40..... 51192
102..... 51192
1625..... 51547
1999..... 51187
2520..... 51446
2550..... 51194

Proposed Rules:
Ch. XIV..... 51229
2520..... 51231
2530..... 51231

30 CFR

Ch. VII..... 51547

Proposed Rules:
784..... 51240
817..... 51240

33 CFR

117..... 51550
207..... 51551, 51555

Proposed Rules:
117..... 51617, 51618

36 CFR

Proposed Rules:
7..... 51618

37 CFR

304..... 51197

40 CFR

35..... 51484
52..... 51198, 51199
180..... 51200

Proposed Rules:
52..... 51619, 51620

41 CFR

Ch. 101..... 51201

42 CFR

57..... 51201, 51205
58..... 51209, 51556
455..... 51559

Proposed Rules:
72..... 51241

43 CFR

8351..... 51740

44 CFR

65..... 51212
67..... 51213, 51559

Proposed Rules:
6..... 51426

45 CFR

1060..... 51561

Proposed Rules:
190..... 51243

47 CFR

73..... 51561–51563
74..... 51563
97..... 51564

Proposed Rules:
Ch. I..... 51251
2..... 51251, 51252
15..... 51251
21..... 51252
73..... 51624
74..... 51252
94..... 51252

48 CFR

Proposed Rules:
9..... 51253

49 CFR

571..... 51569
1002..... 51213
1003..... 51213
1045A..... 51213
1056..... 51213
1062..... 51213
1100..... 51213
1130..... 51213
1150..... 51213

Proposed Rules:
398..... 51625
571..... 51626, 51628

50 CFR

Proposed Rules:
216..... 51254
611..... 51254
655..... 51254

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ENVIRONMENTAL PROTECTION AGENCY

45275 7–3–80 / Air pollution; approval of revisions of Maryland State implementation plan

FEDERAL COMMUNICATIONS COMMISSION

4376 6–30–80 / FM broadcast stations in Greenwood, Booneville and Waldon, Ark.; changes in table of assignments

INTERSTATE COMMERCE COMMISSION

45524 7–3–80 / Agricultural cooperative exemption for motor vehicles

NUCLEAR REGULATORY COMMISSION

45256 7–3–80 / Access authorization fees for nuclear industry

List of Public Laws

Last Listing July 30, 1979

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S. 2240 / Pub. L. 96–316 National Aeronautics and Space Administration Authorization Act, 1981. (July 30, 1980; 94 Stat. 960) Price $1.

S. 1647 / Pub. L. 96–317 Commission on Wartime Relocation and Internment of Civilians Act. (July 31, 1980; 94 Stat. 964) Price $1.

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